

# Committee Minutes

## Control of Development and Advertisements

The Development Control Committee received and considered the following applications:

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### Item no: 01

**Appn Ref No:**  
12/0878

**Applicant:**  
Story Homes

**Parish:**  
Dalston

**Date of Receipt:**  
24/10/2012 16:02:59

**Agent:**  
Positive Planning Solutions Ltd

**Ward:**  
Dalston

**Location:**  
Land between Townhead Road and Station Road,  
Dalston

**Grid Reference:**  
336722 550172

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Proposal: Erection Of 125no. Dwellings, Associated Open Space And Infrastructure

Members resolved to defer consideration of the proposal in order to allow receipt of an independent report on highway safety with particular regard to the position of the proposed junctions; an assessment of the architectural and historic significance of the existing stone wall and traditional barn on Townhead Road; discussions on the removal of the proposed three-storey properties from the scheme; and to await a further report on the application at a future meeting of the Committee.

### Item no: 02

**Appn Ref No:**  
11/1063

**Applicant:**  
Hayton Construction  
Limited

**Parish:**  
Hayton

**Date of Receipt:**  
08/12/2011

**Agent:**  
Space Designed Solutions Limited

**Ward:**  
Hayton

**Location:**  
Garden Walk, Edmond Castle, Corby Hill, Carlisle,  
Cumbria, CA4 8QD

**Grid Reference:**  
349935 558735

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Proposal: Erection Of A Single Terrace Of 4no. Two Storey Holiday Let Units With Associated Access And Parking

Members resolved to defer consideration of the proposal in order to obtain a Business Plan from the Applicant and to await a further report on the application at a

future meeting of the Committee.

**Item no: 03**

**Appn Ref No:**  
13/0065

**Applicant:**  
Magnus Homes Limited

**Parish:**  
Wetheral

**Date of Receipt:**  
24/01/2013

**Agent:**  
Taylor & Hardy

**Ward:**  
Wetheral

**Location:**  
Land to the rear of Lime House, Wetheral, Carlisle,  
Cumbria, CA4 8EH

**Grid Reference:**  
346524 554435

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Proposal: Erection Of 6no. Dwellings And Associated Parking, Engineering Works  
And Landscaping

**Refuse Permission**

- Reason:** Lime House is a large detached property built circa 1850 with a sandstone central wing and Doric columned entrances set within 0.5ha of grounds, prominently located fronting Wetheral Village Green within Wetheral Conservation Area. The proposed erection of six 2 and a half storey houses by virtue of their scale, design, use of incongruous materials and layout would neither preserve nor enhance the area's character or appearance contrary to Criterion 1, 4 and 6 of Policy LE19 of the Carlisle District Local Plan 2001-2016, and the policies of the National Planning Policy Framework.

**Relevant Development Plan Policies**

**Carlisle District Local Plan 2001 - 2016**  
**Core Development Policies - Policy CP1 - Landscape Character**

Proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas.

Development will be considered appropriate to the character of the landscape provided the proposal has regard to and conserves:

the landform and natural patterns of drainage;

- the pattern of trees and woodland;
- the habitats of species of importance for wildlife;
- the pattern and composition of field boundaries;

- the pattern of historic landscape features;
- the pattern and distribution of settlements

## **Carlisle District Local Plan 2001 - 2016**

### **Core Development Policies - Policy CP3 - Trees And Hedges On Development Sites**

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- 1 the location of existing trees and hedges;
- 2 the species, age, height and crown spread of each tree;
- 3 an assessment of the condition of each tree;
- 4 the location and crown spread of trees on adjacent land which may be affected by the development;
- 5 existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

## **Carlisle District Local Plan 2001 - 2016**

### **Core Development Policies - Policy CP5 - Design**

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;

- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

### **Carlisle District Local Plan 2001 - 2016**

#### **Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage And Sewage Treatment**

Development will not be permitted where inadequate foul and surface water sewerage infrastructure and sewage treatment capacity exists, or where such provision can not be made within the time constraint of the planning permission.

### **Carlisle District Local Plan 2001 - 2016**

#### **Housing - Policy H1 - Location Of New Housing Development**

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure that:

- 1 the site is well related to the landscape of the area and does not intrude into open countryside; and
- 2 the scale of the proposed development is well related to the scale, form and character of the existing settlement; and
- 3 the layout of the site and the design of the buildings is well related to existing property in the village; and
- 4 the siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
- 5 appropriate access and parking can be achieved; and
- 6 the proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
- 7 the proposal will not lead to the loss of the best and most versatile agricultural land.

Settlement boundaries have been drawn for the following Local Service Centres within which proposals will be judged against the above criteria.

|  |                |               |
|--|----------------|---------------|
| Burgh-by-Sands                                       | Castle Carrock | Cummersdale   |
| Cumwhinton   | Dalston        | Gilsland      |
| Great Corby  | Great Orton    | Hallbankgate  |
| Hayton   | Heads Nook     | Houghton      |
| Irthington   | Raughton Head  | Rockcliffe    |
| Scotby   | Smithfield     | Thurstonfield |
| Warwick Bridge (including Little Corby & Corby Hill) | Wetheral       |               |

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

|             |                 |            |
|-------------|-----------------|------------|
| Blackwell   | Cardewlees      | Cargo      |
| Carleton    | Cotehill        | Cumwhitton |
| Durdar      | Faugh           | Harker     |
| Hethersgill | How Mill        | Lanercost  |
| Laversdale  | Low Row         | Monkhill   |
| Moorhouse   | Talkin          | Todhills   |
| Walton      | Warwick-on-Eden | Wreay      |

### **Carlisle District Local Plan 2001 - 2016**

#### **Housing - Policy H5 - Affordable Housing**

The City Council will negotiate with developers for an element of affordable housing to be included in the majority of housing developments.

All allocated housing sites and windfall sites of 10 or more dwellings in the urban area will be expected to make a contribution of 30% of units on-site towards affordable housing. Only in exceptional circumstances will the Council consider off-site contributions or a financial contribution in lieu of on-site provision.

In the rural area the contribution to affordable housing will be:

- 1 25% of housing on large sites (over 0.8ha or 25 dwellings)
- 2 20% of housing on medium sites (over 0.3ha or 10 dwellings)
- 3 10% of housing on small sites (over 0.1ha or 3 units)

The proportion of affordable housing sought will only be varied if this can be justified on a robust, evidence based, assessment of the economic viability of the site. Where intermediate affordable housing is to be provided at a discounted market value a discount of 25-30% will be sought and the discounted sale will be required to be in perpetuity.

### **Carlisle District Local Plan 2001 - 2016**

#### **Local Environment - Policy LE19 - Conservation Areas**

The City Council will continue to review existing and designate new conservation

areas. Development proposals within and adjoining conservation areas will be granted planning permission provided they preserve or enhance their character and appearance. Any new development or alterations to existing buildings should harmonise with their surroundings and be in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or alterations to buildings in conservation areas will be judged against the following criteria:

- 1 the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact on the townscape or landscape;
- 2 the development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
- 3 development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
- 4 wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
- 5 individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
- 6 proposals which would generate a significant increase in traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
- 7 proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

## **Carlisle District Local Plan 2001 - 2016**

### **Transport - Policy T1- Parking Guidelines For Development**

The level of car parking provision for development will be determined on the basis of the following factors:

- 1 the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;
- 2 the availability of public car parking in the vicinity;
- 3 the impact of parking provision on the environment of the surrounding area;
- 4 the likely impact on the surrounding road network; and
- 5 accessibility by and availability of, other forms of transport.

**Item no: 04**

**Appn Ref No:**  
13/0046

**Applicant:**  
Story Homes

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
21/01/2013 13:00:28

**Agent:**  
Positive Planning Solutions  
Ltd

**Ward:**  
Burgh

**Location:**  
Buck Bottom Farm, Burgh by Sands, CA5 6AN

**Grid Reference:**  
332695 559100

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Proposal: Demolition Of Barns To Enable Proposed Development Of Erection Of 3No. Dwellings And 1No. Barn Conversion (Conservation Area Consent) (Revised Application)

**Grant Permission**

1. The approved documents for this Conservation Area Consent comprise:

1. the submitted planning application form received 21st January 2013;
2. the Location Plan (drawing number BBFS-LP) received 21st January 2013;
3. the Demolition Plan (drawing number BBFS-DP) received 21st January 2013;
4. the Area of Excavation plan received 22nd March 2013;
5. the Report on Structural Inspection received 21st January 2013;
6. the Archaeological Evaluation Report received 21st January 2013;
7. the Level 1 Standing Building Survey received 21st January 2013;
8. the Design and Access Statement received 21st January 2013;
9. the Notice of Decision; and
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

2. The buildings shall not be demolished before a contract for the carrying out of works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

**Reason:** To safeguard against premature demolition in accordance with Policy LE19 of the Carlisle District Local Plan 2001-2016.

3. Prior to the carrying out of any demolition works, the two historic brick barns

occupying the site shall be recorded in accordance with a Level 2 survey as described by English Heritage's document "Understanding Historic Buildings: A Guide to Good Recording Practice, 2006" and, following its completion, 3 copies of that survey shall be furnished to the Local Planning Authority.

**Reason:** To ensure that a permanent record is made of the buildings of architectural and historic interest prior to their demolition.

4. Prior to the demolition of the buildings hereby granted demolition consent a detailed methodology for the demolition works shall be submitted to and approved by the Local Planning Authority, to ensure that there is no damage to the underlying archaeology of the site.

**Reason:** To ensure that the underlying archaeology on the site is protected.

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### **Summary of Reasons for the Decision**

The decision to grant planning permission has been taken having regard to the Development Plan, including supplementary planning guidance/documents and design guidance. The relevant Development Plan policies and supplementary guidance have been considered in conjunction with comments received from consultees (including statutory consultees) and any responses from third parties, together with other material planning considerations. On balance the proposal was regarded as acceptable and it was considered that the development does not cause demonstrable harm to interests of acknowledged importance that justifies withholding permission.

### **Relevant Development Plan Policies**

#### **Carlisle District Local Plan 2001 - 2016 Local Environment - Policy LE9 - Other Known Sites And Monuments Of Archaeological Significance**

Elsewhere in the Plan area, on other known sites and monuments of archaeological significance, permission for development will be granted, provided the applicant can demonstrate that the site will be either satisfactorily preserved or appropriate arrangements for excavation and recording have been made. These cases will be judged against the following:

- 1 the importance of the archaeological features;
- 2 the effects of the proposal on the archaeological features;
- 3 the need to retain and where possible enhance the features which have a particular archaeological and/or landscape significance;
- 4 the applicant's arrangements for in situ preservation of the features.

On the other known sites of archaeological significance, the City Council will ensure



that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined.

### **Carlisle District Local Plan 2001 - 2016**

#### **Local Environment - Policy LE19 - Conservation Areas**

The City Council will continue to review existing and designate new conservation areas. Development proposals within and adjoining conservation areas will be granted planning permission provided they preserve or enhance their character and appearance. Any new development or alterations to existing buildings should harmonise with their surroundings and be in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or alterations to buildings in conservation areas will be judged against the following criteria:

- 1 the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact on the townscape or landscape;
- 2 the development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
- 3 development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
- 4 wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
- 5 individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
- 6 proposals which would generate a significant increase in traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
- 7 proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

### **Carlisle District Local Plan 2001 - 2016**

#### **Core Development Policies - Policy CP2 - Biodiversity**

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they

affect.

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

**Item no: 05**

|                                |                                  |                                  |
|--------------------------------|----------------------------------|----------------------------------|
| <b>Appn Ref No:</b><br>13/0047 | <b>Applicant:</b><br>Story Homes | <b>Parish:</b><br>Burgh-by-Sands |
|--------------------------------|----------------------------------|----------------------------------|

|  |   |                       |
|--|---|-----------------------|
| <b>Date of Receipt:</b><br>21/01/2013 13:02:38 | <b>Agent:</b><br>Positive Planning Solutions<br>Ltd | <b>Ward:</b><br>Burgh |
|--|---|-----------------------|

|   |   |
|---|---|
| <b>Location:</b><br>Buck Bottom Farm, Burgh by Sands, CA5 6AN | <b>Grid Reference:</b><br>332695 559100 |
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Proposal: Erection Of 3No. Dwellings, Conversion Of Barn To 1No. Dwelling And Demolition Of Outbuilding (Revised Application)

Members resolved to give authority to the Director (Economic Development) to issue approval for the proposal subject to the completion of a Section 106 Agreement to deal with the provision of affordable housing.

**Item no: 06**

|                                |                                  |                                  |
|--------------------------------|----------------------------------|----------------------------------|
| <b>Appn Ref No:</b><br>13/0048 | <b>Applicant:</b><br>Story Homes | <b>Parish:</b><br>Burgh-by-Sands |
|--------------------------------|----------------------------------|----------------------------------|

|  |   |                       |
|--|---|-----------------------|
| <b>Date of Receipt:</b><br>21/01/2013 13:02:38 | <b>Agent:</b><br>Positive Planning Solutions<br>Ltd | <b>Ward:</b><br>Burgh |
|--|---|-----------------------|

|   |   |
|---|---|
| <b>Location:</b><br>Buck Bottom Farm, Burgh by Sands, CA5 6AN | <b>Grid Reference:</b><br>332695 559100 |
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Proposal: Erection Of 3No. Dwellings, Conversion Of Barn To 1No. Dwelling And Demolition Of Outbuilding (LBC) (Revised Application)

Grant Permission

1. The works shall be begun not later than the expiration of 3 years beginning with the date of the grant of this consent.

**Reason:** In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. The approved documents for this Listed Building Consent application comprise:

1. the submitted planning application form received 21st January 2013;
2. the Location Plan (drawing number BBFS-LP) received 21st January 2013;
3. the Area of Excavation plan received 22nd March 2013;
4. the Report on Structural Inspection received 21st January 2013;
5. the Archaeological Evaluation Report received 21st January 2013;
6. the Level 1 Standing Building Survey received 21st January 2013;
7. the Design and Access Statement received 21st January 2013;
8. the Proposed Site Plan (drawing number BBFS-PSP Rev G) received 22nd March 2013;
9. the Tree Constraints Plan (drawing number BBFS-TCP Rev C) received 22nd March 2013;
10. the Drainage Layout (drawing number 101P3) received 22nd March 2013;
11. Plot 1 plans (drawing numbers PL1-SCH B; PL1-EXPLE; PL1-EXPLP; PL1-PLE1 Rev D; PL1-PLP1 Rev B) received 10th April March 2013;
12. Plot 2 plans (drawing numbers PL2-PLE1 Rev B; PL2-PLP Rev A) received 21st January 2013;
13. Plot 3 plans (drawing numbers PL3-PLE1 Rev B; PL3-PLP1 Rev A) received 22nd March 2013;
14. Plot 4 plans (drawing numbers PL4-PLE1 Rev B; PL4-PLP1 Rev A) received 22nd March 2013;
15. the Barn Owl Survey received 21st January 2013;
16. the Drainage Strategy Statement received 21st January 2013;
17. the Bat Survey (Background and Supporting Information) received 21st January 2013;
18. the Bat Survey (Delivery Information) received 21st January 2013;
19. the Tree Survey plans (drawing number TS/01 sheet 1 of 3) received 21st January 2013;
20. the Tree Survey plans (drawing number TS/02 sheet 2 of 3) received 21st January 2013;
21. the Tree Survey plans (drawing number TS/03 sheet 3 of 3) received 21st January 2013;
22. the Tree Survey received 21st January 2013;
23. the Schedule of Trees received 21st January 2013;
24. the Notice of Decision; and
25. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the objectives of Policy LE13 of the Carlisle District Local Plan 2001-2016 are met and to ensure a satisfactory external appearance for the completed development.

4. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority.

**Reason:** To ensure the design and materials to be used are appropriate and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. Prior to the carrying out of any construction works the existing building affected by the proposed development shall be recorded in accordance with a Level 2 survey as described by English Heritage's document Understanding Historic Buildings A Guide to Good Recording Practice, 2006. Within 2 months of the commencement of construction works 3 copies of the resultant level 2 survey report shall be furnished to the Local Planning Authority.

**Reason:** To ensure that a permanent record is made of the building of architectural and historic interest prior to its alteration as part of the proposed development.

7. Prior to the commencement of development, details of the proposed rainwater goods and their means of fixing to the proposed dwelling shall be agreed in writing by the Local Planning Authority. The rainwater goods shall then be installed in accordance with these details.

**Reason:** To ensure the objectives of Policy LE13 of the Carlisle District Local Plan 2001-2016 are met and to ensure a satisfactory external appearance for the completed development.

8. Prior to the commencement of development, details of the proposed first floor window in the front elevation of Plot 1 shall be submitted to and approved in writing by the Local Planning Authority. The window shall then be installed in accordance with these details.

**Reason:** To ensure the design and materials to be used are appropriate and to ensure compliance with Policy LE13 of the Carlisle District Local Plan 2001-2016.

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### **Summary of Reasons for the Decision**

The decision to grant planning permission has been taken having regard to the Development Plan, including supplementary planning guidance/documents and design guidance. The relevant Development Plan policies and supplementary guidance have been considered in conjunction with comments received from consultees (including statutory consultees) and any responses from third parties, together with other material planning considerations. On balance the proposal was regarded as acceptable and it was considered that the development does not cause demonstrable harm to interests of acknowledged importance that justifies withholding permission.

### **Relevant Development Plan Policies**

#### **Carlisle District Local Plan 2001 - 2016**

#### **Local Environment - Policy LE9 - Other Known Sites And Monuments Of Archaeological Significance**

Elsewhere in the Plan area, on other known sites and monuments of archaeological significance, permission for development will be granted, provided the applicant can demonstrate that the site will be either satisfactorily preserved or appropriate arrangements for excavation and recording have been made. These cases will be judged against the following:

- 1 the importance of the archaeological features;
- 2 the effects of the proposal on the archaeological features;
- 3 the need to retain and where possible enhance the features which have a particular archaeological and/or landscape significance;
- 4 the applicant's arrangements for in situ preservation of the features.

On the other known sites of archaeological significance, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined.

## **Carlisle District Local Plan 2001 - 2016**

### **Local Environment - Policy LE12 - Proposals Affecting Listed Buildings**

Proposals for new development which adversely affects a listed building or its setting will not be permitted. Any new development within the setting of a listed building should preserve the building's character and its setting. The City Council will seek to encourage any new development to be sympathetic in scale, character and materials.

## **Carlisle District Local Plan 2001 - 2016**

### **Local Environment - Policy LE13 - Alterations To Listed Buildings**

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which have an unacceptable impact on the listed building will not be permitted.

Applications will be assessed against the following criteria:

1. the importance of the building, its intrinsic architectural and historic interest and rarity, and its significance to the local distinctiveness and character of the district;
2. the particular physical features of the building
3. the setting of the building and its contribution to the local scene;
4. the extent to which the proposed works would bring substantial benefits for the community.

## **Carlisle District Local Plan 2001 - 2016**

### **Local Environment - Policy LE14 - Development Involving The Demolition Of Listed Buildings**

There will be a presumption in favour of the preservation of listed buildings. Development proposals which would result in the total or substantial demolition of a listed building must include details of redevelopment and will only be approved in exceptional circumstances taking into account:

- The intrinsic quality of the building and its contribution to the landscape/townscape;
- The structural condition of the building;
- The efforts made to retain the building in its current use, or to find compatible alternative uses;
- The cost of repair and maintenance in relation to the importance of the building;
- The merits of the proposals for redevelopment.

## **Carlisle District Local Plan 2001 - 2016**

### **Local Environment - Policy LE15 - Change Of Use Of Listed Buildings**

The change of use of a listed building will be permitted provided it would not have a

detrimental effect on the special architectural and/or historic interest of the building, its setting and neighbouring buildings.

**Item no: 07**

**Appn Ref No:**  
13/0067

**Applicant:**  
Mr & Mrs Routledge

**Parish:**  
Irthington

**Date of Receipt:**  
24/01/2013 16:00:07

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Stanwix Rural

**Location:**  
Land to the rear of Middlemarch House, Newtown,  
Irthington, Carlisle, CA6 4PF

**Grid Reference:**  
349648 562600

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Proposal: Erection Of 1no. Dwelling

Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form received 24th January 2013;
2. the site location plan, block plan, proposed floor plans and elevations received 10th April 2013 (Drawing No. 1/1/2013/1E);
3. the tree survey received 27th March 2013;
4. the design and access statement received 25th January 2013;
5. the Notice of Decision; and
6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used

externally on the building have been submitted to and approved by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

**Reason:** To ensure that materials to be used are acceptable and in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling shall be submitted to and approved in writing by the local planning authority before any site works commence.

**Reason:** In the interests of preserving the privacy and amenity of the neighbouring residents and to ensure that the development respects the scale and character of buildings in the locality. In accordance with Policies CP5 and H1 of the Carlisle District Local Plan 2001-2016.

5. Before the development hereby permitted is completed and occupied a 1.8 metre close boarded fence shall be erected along the southern boundary of the site (as shown on Drawing No. 1/1/2013/1E) to the satisfaction of the local planning authority and shall be maintained at that height.

**Reason:** In order to protect the privacy and amenities of residents in close proximity of the site in accordance with Policy CP5 and Policy H11 of the Carlisle District Local Plan 2001-2016.

6. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around those trees and hedges to be retained in accordance with a scheme that has been submitted to and agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site to the satisfaction of the Local Planning Authority.

**Reason:** In order to ensure that adequate protection is afforded to all trees and hedges to be retained on site in support of Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. The access and parking/turning requirements, shown on the Plan, shall be substantially met before any building work commences on site so that



constructional traffic can park and turn clear of the highway.

**Reason:** The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users. Retention of the facilities ensures an appropriate standard of parking and access for as long as the use continues. To support Local Transport Policies: LD5, 7 and 8.

8. The dwelling shall not be occupied until the vehicular access and parking requirements have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use. To support Local Transport Plan Policies: LD5, LD7 and LD8.

9. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours or after 13.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

10. The development shall be landscaped in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority which shall indicate the proposed types, species planting heights and planting densities of all trees and shrubs to be planted together with the heights and profiles of any proposed earth modelling. The scheme shall be implemented during the planting season following the completion of the development hereby approved and any trees or shrubs which die, become diseased or are lopped, topped, uprooted or wilfully destroyed within the following five years shall be replaced by appropriate nursery stock.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

11. No development approved by this permission shall be commenced until a full

detailed scheme for the provision of foul and surface water drainage works (inclusive of how the scheme shall be maintained and managed after completion) has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed, completed and managed in accordance with the approved plans. For the avoidance of doubt, neither surface water, land drainage, nor highway drainage shall connect into the public sewerage system (directly or indirectly).

**Reason:** To ensure a satisfactory means of surface water disposal and in accord with Policies CP10, CP11 and CP12 of the Carlisle District Local Plan 2001-2016.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted above the ground floor on the south elevation without the prior consent of the local planning authority.

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policy H11 of the Carlisle District Local Plan 2001-2016.

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## **Summary of Reasons for the Decision**

The decision to grant planning permission has been taken having regard to the Development Plan, including Supplementary Planning Guidance/ Documents and Design Guidance. The relevant Development Plan policies and Supplementary Guidance have been considered in conjunction with comments received from consultees (including statutory consultees) and any responses from third parties, together with other material planning considerations. On balance the proposal was regarded as acceptable and it was considered that the development does not cause demonstrable harm to interests of acknowledged importance that justifies withholding permission.

## **Relevant Development Plan Policies**

### **Carlisle District Local Plan 2001 - 2016**

#### **Local Environment - Policy LE6 - Scheduled/Nationally Important Ancient Monuments**

Development will not be permitted where there is an unacceptable impact on scheduled and other nationally important ancient monuments and their settings.

**Carlisle District Local Plan 2001 - 2016**  
**Core Development Policies - Policy CP2 - Biodiversity**

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

**Item no: 08**

**Appn Ref No:**  
13/0083

**Applicant:**  
Mr Thompson

**Parish:**  
Hayton

**Date of Receipt:**  
31/01/2013 16:01:12

**Agent:**  
Holt Planning Consultancy  
Ltd

**Ward:**  
Hayton

**Location:**  
L/A Fenton Farm, Fenton, How Mill, Brampton, CA8  
9JZ

**Grid Reference:**  
350298 556068

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Proposal: Residential Development Of 8No. Dwellings Comprising 2No.  
Re-Configured Approved Dwellings And 6No. New Dwellings (Outline)

**Grant Permission**

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 1 year beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
  - i) The expiration of 3 years from the date of the grant of this permission, or
  - ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** In accordance with the provisions of Section 92 of the Town and

Country Planning Act 1990. (as amended by The Planning and Compulsory Purchase Act 2004).

2. Before any work is commenced, details of the appearance, landscaping and scale of the site (hereinafter called "reserved matters") shall be submitted to and approved by the Local Planning Authority.

**Reason:** The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

3. The approved documents for this Planning Permission comprise:

1. the Planning Application Form received 31st January 2013
2. the Location Plan received 31st January 2013 (Drawing no. 03/01/347-101);
3. the Site Plan received 15th February 2013 (Drawing no. 03/01/347-102a);
4. the Scale Parameters received 31st January 2013;
5. the Foul Drainage System produced by R. A. Dalton Ltd. received 31st January 2013;
6. the Highway Advice produced by White Young Green received 31st January 2013;
7. the Phase 1 Desk Top Study received 31st January 2013;
8. the Daytime Roost Inspection Survey received 31st January 2013;
9. the Planning Statement received 31st January 2013;
10. the Notice of Decision; and
11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

4. The design, siting and layout of the proposed dwellings shall by the adoption of traditional architectural features and materials evident locally, reflect or be in sympathy with the character and appearance of Fenton.

**Reason:** To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the Local Planning Authority before any site works commence.

**Reason:** In order that the approved development is appropriate to the

character and appearance of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. Access gates, if provided, shall be erected to open inwards only away from the highway, be recessed no less than 4.5 metres as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

**Reason:** To preserve sight lines in accordance with CP5 of the Carlisle District Local Plan 2001-2016.

7. The estate road shall be designed, constructed and drained to a standard suitable for adoption and in this respect full engineering details, shall be submitted for written approval as part of the Highways Act 1980 Section 38 Agreement before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. All such approved works shall be constructed before the development is complete.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016 and to support Local Transport Plan Policies LD5, LD7 and LD8.

8. Each house access, parking area etc. shall be designed, constructed and drained to the satisfaction of the Local Planning Authority and in this respect full engineering details shall be submitted for written approval before development commences on site. No work shall be commenced until a full specification has been approved.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016 and to support Local Transport Plan Policies LD5, LD7 and LD8.

9. A footway link that continuously and conveniently from the application site to the nearest existing footway shall be provided the details of which shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be provided before first occupancy of any dwelling

**Reason:** In the interests of highway safety, accessibility by sustainable transport modes and to minimise potential hazards and to support Local Transport Plan Policies C2, LD5, LD6, LD7 and LD8.

10. No dwelling shall be occupied until the access and parking requirements have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior written consent of the Local Planning Authority.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7 and LD8.

11. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted.

**Reason:** To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

12. No development shall take place until details of a landscaping scheme have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

13. All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

14. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of five years thereafter, are removed without prior written consent from the local planning authority, or die, become diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the authority may specify.

**Reason:** To ensure as far as possible that the landscaping scheme is fully effective in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

15. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.

**Reason:** To ensure that the materials used are appropriate to the character and appearance of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling units to be erected in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.

**Reason:** To ensure that the character and attractive appearance of the buildings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy H14 of the Carlisle District Local Plan.

17. The dwellings shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

**Reason:** To ensure a satisfactory means of surface water disposal and in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

18. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence, and the approved scheme

shall be implemented in accordance with a phasing scheme for the conversion works hereby approved.

**Reason:** To ensure that the materials used are appropriate to the character and appearance of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

19. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be in accordance with the principles set out in the report submitted by R. A. Dalton Ltd. dated 10th December 2012. No part of the development shall be brought into use until the foul drainage has been constructed and completed in accordance with the approved plans.

**Reason:** To ensure the adequate provision of foul drainage in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

20. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy LE29 of the Carlisle District Local Plan 2001-2016.

21. No dwelling permitted by this approval shall be occupied until a planning obligation pursuant to S106 of the Town and Country Planning Act 1990 has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the persons submitting the same that it is to the Local Planning Authority's approval. The said planning obligation will provide the provision of 2no. affordable housing units (Plots 7 and 8) either for sale with a discount of 30% or at an affordable rent.

**Reason:** To ensure the provision of affordable housing on the site, in



accordance with Policy H5 of the Carlisle District Local Plan 2001-2016.

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## **Summary of Reasons for the Decision**

The decision to grant planning permission has been taken having regard to the Development Plan, including Supplementary Planning Guidance/ Documents and Design Guidance. The relevant Development Plan policies and Supplementary Guidance have been considered in conjunction with comments received from consultees (including statutory consultees) and any responses from third parties, together with other material planning considerations. On balance the proposal was regarded as acceptable and it was considered that the development does not cause demonstrable harm to interests of acknowledged importance that justifies withholding permission.

## **Relevant Development Plan Policies**

### **Carlisle District Local Plan 2001 - 2016 Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations**

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

|                       |  |  |
|-----------------------|--|--|
| Urban Area            | City of Carlisle   |  |
| Key Service Centres   | Brampton<br>Longtown   |  |
| Local Service Centres | Burgh by Sands<br>Castle Carrock<br>Cummersdale<br>Cumwhinton<br>Dalston<br>Gilsland<br>Great Corby<br>Great Orton<br>Hallbankgate<br>Hayton | Heads Nook<br>Houghton<br>Irthington<br>Raughton Head<br>Rockcliffe<br>Scotby<br>Smithfield<br>Thurstonfield<br>Warwick Bridge<br>Wetheral |

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be

subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

### **Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP2 - Biodiversity**

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

### **Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP3 - Trees And Hedges On Development Sites**

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- 1 the location of existing trees and hedges;
- 2 the species, age, height and crown spread of each tree;
- 3 an assessment of the condition of each tree;
- 4 the location and crown spread of trees on adjacent land which may be affected by the development;
- 5 existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their

impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

### **Carlisle District Local Plan 2001 - 2016**

#### **Core Development Policies - Policy CP5 - Design**

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

### **Carlisle District Local Plan 2001 - 2016**

#### **Core Development Policies - Policy CP6 - Residential Amenity**

The amenity of residential areas will be protected from inappropriate development where that development:

- 1 is for a use inappropriate for residential areas; and/or
- 2 is of an unacceptable scale; and/or
- 3 leads to an unacceptable increase in traffic or noise; and/or
- 4 is visually intrusive.

### **Carlisle District Local Plan 2001 - 2016**

## **Core Development Policies - Policy CP9 - Development, Energy Conservation And Efficiency**

Development proposals should take into account the need for energy conservation and efficiency in their design, layout and choice of materials. The principles should be introduced in the early stages of the design process in order to consider the orientation of buildings to maximise solar gain coupled with high levels of insulation to reduce heating costs. The efficient and effective use of land, including the reuse of existing buildings and the use of environmentally sustainable materials should also be encouraged. Landscaping schemes also may be used to shelter buildings in exposed positions to reduce heat loss.

These elements will contribute to the energy efficiency of a new development. Developers should also consider the possible incorporation of photovoltaic cells, active solar panels and other small-scale sources of renewable energy. Consideration should be given to recycled materials, waste minimisation and recycling measures within the design.

Designers will be encouraged to include systems for collecting roof water to enable its re-use.

## **Carlisle District Local Plan 2001 - 2016**

### **Core Development Policies - Policy CP11 - Protection Of Groundwaters And Surface Waters**

Proposals for development which would cause demonstrable harm to the quality, quantity and associated ecological features of groundwater and surface waters will not be permitted.

## **Carlisle District Local Plan 2001 - 2016**

### **Housing - Policy H1 - Location Of New Housing Development**

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure that:

- 1 the site is well related to the landscape of the area and does not intrude into open countryside; and
- 2 the scale of the proposed development is well related to the scale, form and character of the existing settlement; and
- 3 the layout of the site and the design of the buildings is well related to existing property in the village; and
- 4 the siting and design of the buildings is well related to and does not adversely

- affect the amenity of neighbouring property; and
- 5 appropriate access and parking can be achieved; and
- 6 the proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
- 7 the proposal will not lead to the loss of the best and most versatile agricultural land.

Settlement boundaries have been drawn for the following Local Service Centres within which proposals will be judged against the above criteria.

|  |                |               |
|--|----------------|---------------|
| Burgh-by-Sands                                       | Castle Carrock | Cummersdale   |
| Cumwhinton   | Dalston        | Gilsland      |
| Great Corby  | Great Orton    | Hallbankgate  |
| Hayton   | Heads Nook     | Houghton      |
| Irthington   | Raughton Head  | Rockcliffe    |
| Scotby   | Smithfield     | Thurstonfield |
| Warwick Bridge (including Little Corby & Corby Hill) | Wetheral       |               |

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

|             |                 |            |
|-------------|-----------------|------------|
| Blackwell   | Cardewlees      | Cargo      |
| Carleton    | Cotehill        | Cumwhitton |
| Durdar      | Faugh           | Harker     |
| Hethersgill | How Mill        | Lanercost  |
| Laversdale  | Low Row         | Monkhill   |
| Moorhouse   | Talkin          | Todhills   |
| Walton      | Warwick-on-Eden | Wreay      |

## **Carlisle District Local Plan 2001 - 2016**

### **Housing - Policy H5 - Affordable Housing**

The City Council will negotiate with developers for an element of affordable housing to be included in the majority of housing developments.

All allocated housing sites and windfall sites of 10 or more dwellings in the urban area will be expected to make a contribution of 30% of units on-site towards affordable housing. Only in exceptional circumstances will the Council consider off-site contributions or a financial contribution in lieu of on-site provision.

In the rural area the contribution to affordable housing will be:

- 1 25% of housing on large sites (over 0.8ha or 25 dwellings)
- 2 20% of housing on medium sites (over 0.3ha or 10 dwellings)
- 3 10% of housing on small sites (over 0.1ha or 3 units)

The proportion of affordable housing sought will only be varied if this can be justified on a robust, evidence based, assessment of the economic viability of the site.

Where intermediate affordable housing is to be provided at a discounted market value a discount of 25-30% will be sought and the discounted sale will be required to be in perpetuity.

### **Carlisle District Local Plan 2001 - 2016**

#### **Local Environment - Policy LE29 - Land Affected By Contamination**

Development on land known or thought to be contaminated will be permitted provided that contaminant sources, pathways and human and environmental receptors are clearly identified in a risk assessment and measures taken to treat, contain and control contamination so as not to:

- 1 Expose the occupiers of a development and neighbouring land uses to unacceptable risk;
- 2 Cause the contamination of adjoining land or allow contamination to continue;
- 3 Lead to the contamination of any watercourse, water body or aquifer;
- 4 Have an unacceptable adverse effect on habitats and ecosystems;
- 5 Cause harm to buildings, animals or crops

The Policy will also apply to proposed development on or within 250 metres of an existing landfill or a site known to be used for landfill within the last 30 years.

### **Carlisle District Local Plan 2001 - 2016**

#### **Transport - Policy T1- Parking Guidelines For Development**

The level of car parking provision for development will be determined on the basis of the following factors:

- 1 the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;
- 2 the availability of public car parking in the vicinity;
- 3 the impact of parking provision on the environment of the surrounding area;
- 4 the likely impact on the surrounding road network; and
- 5 accessibility by and availability of, other forms of transport.

#### **Item no: 09**

**Appn Ref No:**  
13/0257

**Applicant:**  
Mr Mason

**Parish:**  
Castle Carrock

**Date of Receipt:**  
28/03/2013 16:00:33

**Agent:**  
Green Design Architects

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Land opposite Hallsteads, Castle Carrock, Cumbria,  
CA8 9NE

**Grid Reference:**  
354561 555244

Refuse Permission

- 1. Reason:** The application site is outwith the built form of Castle Carrock on the southern side of the U1210 road, physically and visibly separated by a belt of mature landscaping, thereby intruding into open countryside. The National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. No special circumstances as detailed in the NPPF have put been forward by the applicant that would justify a new dwelling in this location. The proposal is, therefore, contrary to Policy CP1, Criterion 2 of Policy CP5 , Criterion 1 of Policy H1 of the Carlisle District Local Plan 2001-2016 and Paragraph 55 of the National Planning Policy Framework.
- 2. Reason:** The Cumbria Landscape Strategy (CLS) outlines that the area is characterised by rolling, hilly or plateau farmland and moorland. The sensitive characteristics or features of the landscape is its villages which are discrete and dispersed, sensitive to unsympathetic expansion and redevelopment. The CLS states that incremental expansion of settlements would erode local character. This site is not visually contained and the erection of a dwelling on this site would, therefore, have an adverse impact on the character of the area. The proposal is, therefore, contrary to Policy CP1 and Criterion 2 of Policy CP5 of the Carlisle District Local Plan 2001-2016..
- 3. Reason:** The proposed application seeks Full Planning Permission for the erection of a two storey dwelling in open countryside. The dwelling by virtue of its scale and massing would form a discordant feature within the landscape contrary to the objectives of Policies CP1 of Local Plan, Criteria 1 and 2 of Policy CP5 and Criterion 1 of Policy H1 of the Carlisle District Local Plan 2001-2016.

**Relevant Development Plan Policies**

**Carlisle District Local Plan 2001 - 2016**

**Core Development Policies - Policy CP2 - Biodiversity**

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals

should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

### **Carlisle District Local Plan 2001 - 2016**

#### **Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations**

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

|                       |  |  |
|-----------------------|--|--|
| Urban Area            | City of Carlisle   |  |
| Key Service Centres   | Brampton<br>Longtown   |  |
| Local Service Centres | Burgh by Sands<br>Castle Carrock<br>Cummersdale<br>Cumwhinton<br>Dalston<br>Gilsland<br>Great Corby<br>Great Orton<br>Hallbankgate<br>Hayton | Heads Nook<br>Houghton<br>Irthington<br>Raughton Head<br>Rockcliffe<br>Scotby<br>Smithfield<br>Thurstonfield<br>Warwick Bridge<br>Wetheral |

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the



location specified.

**Carlisle District Local Plan 2001 - 2016**  
**Spatial Strategy And Development Principles - Policy DP9 - Areas Of Outstanding Natural Beauty**

Within the North Pennines and Solway Coast Areas of Outstanding Natural Beauty, and their settings, permission will not be given for development that would harm the special characteristics and landscape quality of the areas. Development proposals must conserve or enhance the natural beauty of the areas, including scenic qualities, landform, ecology, geology, cultural interests, and the historic environment, so that these qualities can be enjoyed by present and future generations.

Major development of a national scale will only be permitted in exceptional circumstances where it can be demonstrated to be in the public interest. Development required to meet local infrastructure needs which cannot be located anywhere else will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

**Carlisle District Local Plan 2001 - 2016**  
**Core Development Policies - Policy CP1 - Landscape Character**

Proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas. Development will be considered appropriate to the character of the landscape provided the proposal has regard to and conserves:

- the landform and natural patterns of drainage;
- the pattern of trees and woodland;
- the habitats of species of importance for wildlife;
- the pattern and composition of field boundaries;
- the pattern of historic landscape features;
- the pattern and distribution of settlements

**Carlisle District Local Plan 2001 - 2016**  
**Core Development Policies - Policy CP2 - Biodiversity**

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

## **Carlisle District Local Plan 2001 - 2016**

### **Core Development Policies - Policy CP3 - Trees And Hedges On Development Sites**

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- 1 the location of existing trees and hedges;
- 2 the species, age, height and crown spread of each tree;
- 3 an assessment of the condition of each tree;
- 4 the location and crown spread of trees on adjacent land which may be affected by the development;
- 5 existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

## **Carlisle District Local Plan 2001 - 2016**

### **Core Development Policies - Policy CP4 - Agricultural Land**

Permission will not be given for development where it would lead to the loss of the best and most versatile agricultural land, unless:

- 1 there is an overriding need for the development; and
- 2 there is insufficient land of a lower grade available; or
- 3 available lower grade land has a statutory landscape, wildlife, historic or archaeological designation.

## **Carlisle District Local Plan 2001 - 2016**

### **Core Development Policies - Policy CP5 - Design**

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and

- respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
  - 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
  - 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
  - 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
  - 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
  - 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

#### **Carlisle District Local Plan 2001 - 2016**

#### **Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage And Sewage Treatment**

Development will not be permitted where inadequate foul and surface water sewerage infrastructure and sewage treatment capacity exists, or where such provision can not be made within the time constraint of the planning permission.

#### **Carlisle District Local Plan 2001 - 2016**

#### **Housing - Policy H1 - Location Of New Housing Development**

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure that:

- 1 the site is well related to the landscape of the area and does not intrude into open countryside; and
- 2 the scale of the proposed development is well related to the scale, form and character of the existing settlement; and
- 3 the layout of the site and the design of the buildings is well related to existing property in the village; and
- 4 the siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
- 5 appropriate access and parking can be achieved; and

- 6 the proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
- 7 the proposal will not lead to the loss of the best and most versatile agricultural land.

Settlement boundaries have been drawn for the following Local Service Centres within which proposals will be judged against the above criteria.

|  |                |               |
|--|----------------|---------------|
| Burgh-by-Sands                                       | Castle Carrock | Cummersdale   |
| Cumwhinton   | Dalston        | Gilsland      |
| Great Corby  | Great Orton    | Hallbankgate  |
| Hayton   | Heads Nook     | Houghton      |
| Irthington   | Raughton Head  | Rockcliffe    |
| Scotby   | Smithfield     | Thurstonfield |
| Warwick Bridge (including Little Corby & Corby Hill) | Wetheral       |               |

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

|             |                 |            |
|-------------|-----------------|------------|
| Blackwell   | Cardewlees      | Cargo      |
| Carleton    | Cotehill        | Cumwhitton |
| Durdar      | Faugh           | Harker     |
| Hethersgill | How Mill        | Lanercost  |
| Laversdale  | Low Row         | Monkhill   |
| Moorhouse   | Talkin          | Todhills   |
| Walton      | Warwick-on-Eden | Wreay      |

## **Carlisle District Local Plan 2001 - 2016**

### **Transport - Policy T1- Parking Guidelines For Development**

The level of car parking provision for development will be determined on the basis of the following factors:

- 1 the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;
- 2 the availability of public car parking in the vicinity;
- 3 the impact of parking provision on the environment of the surrounding area;
- 4 the likely impact on the surrounding road network; and
- 5 accessibility by and availability of, other forms of transport.

## **Item no: 10**

**Appn Ref No:**  
13/0215

**Applicant:**  
Carlisle College

**Parish:**

**Date of Receipt:**  
18/03/2013

**Agent:**  
Broadway Mallyan

**Ward:**  
Castle

**Location:**  
Swifts Mews, Strand Road, Carlisle

**Grid Reference:**  
340398 556091

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Proposal: Erection Of Arts And Digital Media Building

#### Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:
  1. the submitted planning application form received 20th March 2013;
  2. the site location plan (drawing reference 2265-001) received 20th March 2013;
  3. the existing site/block plan (drawing reference A02-00E) received 20th March 2013;
  4. the existing ground floor plan (drawing reference 15197-FP1 Rev A) received 18th March 2013;
  5. the existing first floor plan (drawing reference 15197-FP2 Rev A) received 18th March 2013;
  6. the existing second floor plan (drawing reference 15197-FP3 Rev A) received 18th March 2013;
  7. the existing elevations (drawing reference 15197-EL1 Rev A) received 18th March 2013;
  8. the existing sections (drawing reference 15197-SEC1 Rev A) received 18th March 2013;
  9. the topographical and U/G services survey (drawing reference 15197/1 Rev A) received 18th March 2013;
  10. the proposed site/block plan (drawing reference A02-001 Rev C) received

17th May 2013;

11. the proposed ground floor general arrangement plan (drawing reference A03-00G Rev J) received 17th May 2013;
12. the proposed first floor general arrangement plan (drawing reference A03-001 Rev H) received 17th May 2013;
13. the proposed roof plan (drawing reference A03-00R Rev E) received 22nd May 2013;
14. the proposed elevations 01 and 02 (drawing reference A05-001 Rev D) received 17th May 2013;
15. the proposed elevations 03 and 04 (drawing reference A05-002 Rev D) received 22nd May 2013;
16. the proposed elevations 05, 06 and 07 (drawing reference A05-003 Rev B) received 17th May 2013;
17. the proposed strip section AA (drawing reference A21-001 Rev A) received 18th March 2013;
18. the proposed sections AA&BB (drawing reference A04-001 Rev E) received 17th May 2013;
19. the proposed sections CC&DD (drawing reference A04-002 Rev B) received 18th March 2013;
20. the landscape proposals general arrangement (drawing reference L-90-001 Rev B) received 17th May 2013;
21. the 3D massing (drawing reference A05-100 Rev C) received 22nd May 2013;
22. the Design and Access Statement received 18th March 2013;
23. the Notice of Decision; and
24. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the objectives of Policy CP5 of the Carlisle District Local

Plan 2001-2016 are met and to ensure a satisfactory external appearance for the completed development.

4. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. Prior to the carrying out of any construction works, the existing buildings affected by the proposed development shall be recorded in accordance with a Level 2 survey as described by English Heritage's document "Understanding Historic Buildings: A Guide to Good Recording Practice, 2006". With 2 months of the commencement of construction works, 3 copies of the resultant survey shall be furnished to the Local Planning Authority.

**Reason:** To ensure that a permanent record is made of the buildings of architectural and historic interest prior to their demolition.

6. Prior to the development being brought into use a planning obligation pursuant to S106 of the Town and Country Planning Act 1990 shall be made and lodged with the Local Planning Authority and the Local Planning Authority has notified the persons submitting the same that it is to the Local Planning Authority's approval. The said planning obligation will provide for the production of a revised College Travel Plan and an annual review process.

**Reason:** To support the delivery of sustainable transport objectives through the annual review of the Travel Plan, in accordance with Policy CP16 of the Carlisle District Local Plan 2001-2016 and Local Transport Plan Policies WS1 & LD4.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. Before any development takes place, a Construction Management Plan shall be submitted for the prior approval of the Local Planning Authority, including reservation of adequate land for the storage of materials, site offices and welfare facilities, the parking of vehicles/plant engaged in the construction operations associated with the development.

**Reason:** The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users and local residents/students and to support Local Transport Policy LD8.

9. The use of the development hereby approved, shall not be commenced until the access and parking and external landscaping works have been substantially completed in accordance with the approved Landscape Proposals and General Arrangement Drawing. All such works shall be maintained in good repair, so as to be capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

Note: The proposals include work within surrounding Highways, these works can only take place once the necessary statutory processes that govern works within highways have been completed with the Local Highways Authority.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7, & LD8.

10. The access paths, parking areas, hard landscaping features, etc shall be designed, constructed drained and lit to the satisfaction of the Local Planning Authority and in this respect full engineering details, shall be submitted for approval before work commences on site. No work shall be commenced until a full specification has been approved.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety and to support Local Transport Plan Policies LD5, LD7 & LD8.



11. The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7 & LD8 and Structure Plan Policy T32.

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## Summary of Reasons for the Decision

The decision to grant planning permission has been taken having regard to the Development Plan, including supplementary planning guidance/documents and design guidance. The relevant Development Plan policies and supplementary guidance have been considered in conjunction with comments received from consultees (including statutory consultees) and any responses from third parties, together with other material planning considerations. On balance the proposal was regarded as acceptable and it was considered that the development does not cause demonstrable harm to interests of acknowledged importance that justifies withholding permission.

## Relevant Development Plan Policies

### **Carlisle District Local Plan 2001 - 2016 Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations**

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

|                       |   |   |
|-----------------------|---|---|
| Urban Area            | City of Carlisle  |   |
| Key Service Centres   | Brampton<br>Longtown  |   |
| Local Service Centres | Burgh by Sands<br>Castle Carrock<br>Cummersdale<br>Cumwhinton<br>Dalston<br>Gilsland<br>Great Corby | Heads Nook<br>Houghton<br>Irthington<br>Raughton Head<br>Rockcliffe<br>Scotby<br>Smithfield |

Great Orton  
Hallbankgate  
Hayton

Thurstonfield  
Warwick Bridge  
Wetheral

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

### **Carlisle District Local Plan 2001 - 2016**

#### **Core Development Policies - Policy CP2 - Biodiversity**

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

### **Carlisle District Local Plan 2001 - 2016**

#### **Core Development Policies - Policy CP5 - Design**

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access

- routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
  - 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
  - 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
  - 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
  - 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

### **Carlisle District Local Plan 2001 - 2016**

#### **Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage And Sewage Treatment**

Development will not be permitted where inadequate foul and surface water sewerage infrastructure and sewage treatment capacity exists, or where such provision can not be made within the time constraint of the planning permission.

### **Carlisle District Local Plan 2001 - 2016**

#### **Core Development Policies - Policy CP15 - Access, Mobility And Inclusion**

Development proposals should make provision for easy, safe and inclusive access to, into and within buildings and facilities. The layout and design of developments should meet the requirements of accessibility and inclusion for all potential users regardless of disability, age or gender. The Council will have regard to the following criteria when assessing development proposals:

- 1 The design of entrances and exits and ease of permeation through and between developments in terms of street furniture, circulation areas and pedestrian routes;
- 2 The location of any development proposal in relation to its potential users;
- 3 Accessibility to all transport modes and provision of adequate parking for disabled people;
- 4 Provision of on-site facilities such as public toilets, and appropriate signage

### **Carlisle District Local Plan 2001 - 2016**

#### **Core Development Policies - Public Transport, Pedestrians And Cyclists**

New developments should offer a realistic choice of access by public transport, walking and cycling. Priority should be given to the provision for safe and convenient pedestrian and cycle access including secure cycle parking provision

facilities, where appropriate, in all new developments accessible to the public.

## **Carlisle District Local Plan 2001 - 2016**

### **Core Development Policies - Policy CP17 - Planning Out Crime**

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should be applied to all development proposals:

- 1 Security measures should be an integral part of the design
- 2 Developments should be laid out and buildings positioned to maximise natural surveillance with the intention of creating a sense of neighbourhood and deterring criminal and anti-social activity
- 3 Public and private spaces should have clearly defined boundaries.
- 4 Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
- 5 Landscaping schemes be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
- 6 Lighting should deter criminal and antisocial activity whilst minimising light pollution. CCTV may be considered necessary in certain circumstances.

Developers should, at the earliest stage possible, consult Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

## **Carlisle District Local Plan 2001 - 2016**

### **Leisure & Community Uses - Policy LC11- Educational Needs**

Proposals for the development of education facilities should be provided within the existing educational sites as indicated on the Proposals Map. On existing sites, proposals for new buildings should be in close proximity to existing buildings to minimise the visual impact of additional development. Where educational facilities are proposed outside existing sites the location should be close to the intended catchment in order to minimise travel in conjunction with centres listed in policy DP1. Other policies of this Plan will apply dependent upon the proposal and land to be utilised.

#### **Item no: 11**

**Appn Ref No:**  
13/0147

**Applicant:**  
Mr Graham

**Parish:**  
St Cuthberts Without

**Date of Receipt:**

**Agent:**

**Ward:**

20/02/2013 23:00:07

JPR Building Design Ltd

Dalston

**Location:**

Land Adjacent to 97 Durdar Road, Carlisle, CA2  
4SU

**Grid Reference:**

340266 552958

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Proposal: Erection Of 1no. Dormer Bungalow

Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:

1. the Planning Application Form received 20th February 2013;
2. the Proposed Drawings received 20th February 2013 (Drawing no. 08-G-221012);
3. the Highway Entrance Design received 5th April 2013 (Drawing no. 06C-G-100912);
4. the Design and Access Statement received 20th February 2013;
5. the Desk Top Study received 20th February 2013;
6. the Notice of Decision; and
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

**Reason:** To ensure a satisfactory means of surface water disposal in accord with Policy CP11 of the Carlisle District Local Plan 2001-2016.

4. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The development shall then be undertaken in accordance with the approved details.

**Reason:** To ensure that the appearance of the area is not prejudiced by inappropriate boundary treatment in compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. The whole of the vehicular access area bounded by the carriageway edge and the highway boundary shall be constructed and drained to the specification of the Local Planning Highway.

**Reason:** In the interests of highway safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling unit to be erected in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the prior written approval of the Local Planning Authority.

**Reason:** To ensure that the character and attractive appearance of the area is not prejudiced by inappropriate alterations and/or extensions and overdevelopment of the site in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order), no building, garage, shed or other structure be erected within the curtilage of the dwelling hereby permitted without the prior written permission of the Local Planning Authority and the approval by them of the design, siting and external appearance of such structures.

**Reason:** To ensure that the character and attractive appearance of the area is not prejudiced by inappropriate buildings that may also result in overdevelopment of the site in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. The development hereby permitted shall not be occupied until the vehicle parking and access (including garage and hard standing) shown on Drawing no. 08-G-221012 received from JPR Building Design on 20th February 2013 have been provided and they shall not be converted to living accommodation or used thereafter otherwise than for the purposes approved, unless otherwise approved by way of a planning permission from the Local Planning Authority.

**Reason:** To ensure that adequate off-street parking is provided and retained following the completion of the development in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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## **Summary of Reasons for the Decision**

The decision to grant planning permission has been taken having regard to the Development Plan, including Supplementary Planning Guidance/ Documents and Design Guidance. The relevant Development Plan policies and Supplementary Guidance have been considered in conjunction with comments received from consultees (including statutory consultees) and any responses from third parties, together with other material planning considerations. On balance the proposal was regarded as acceptable and it was considered that the development does not cause demonstrable harm to interests of acknowledged importance that justifies withholding permission.

## **Relevant Development Plan Policies**

### **Carlisle District Local Plan 2001 - 2016**

#### **Core Development Policies - Policy CP2 - Biodiversity**

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

### **Carlisle District Local Plan 2001 - 2016**

#### **Core Development Policies - Policy CP5 - Design**

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and

other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;

- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

### **Carlisle District Local Plan 2001 - 2016**

#### **Core Development Policies - Policy CP6 - Residential Amenity**

The amenity of residential areas will be protected from inappropriate development where that development:

- 1 is for a use inappropriate for residential areas; and/or
- 2 is of an unacceptable scale; and/or
- 3 leads to an unacceptable increase in traffic or noise; and/or
- 4 is visually intrusive.

### **Carlisle District Local Plan 2001 - 2016**

#### **Core Development Policies - Policy CP11 - Protection Of Groundwaters And Surface Waters**

Proposals for development which would cause demonstrable harm to the quality, quantity and associated ecological features of groundwater and surface waters will not be permitted.

### **Carlisle District Local Plan 2001 - 2016**

#### **Housing - Policy H2 - Primary Residential Areas**

Within the Primary Residential Areas defined on the Inset Maps for Carlisle, Brampton and Longtown, proposals for new residential development will be acceptable provided that:

- 1 existing areas of open space and other amenity areas are safeguarded; and
- 2 the proposed development does not adversely affect the amenity of adjacent residential property; and
- 3 the proposed development complements or enhances existing adjacent residential areas and their amenity; and
- 4 satisfactory access and appropriate parking arrangements can be achieved.

Proposals for non-residential uses will be permitted in Primary Residential Areas provided that they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. The traffic impact of new development upon existing residents through inconvenience and detrimental effect will be taken into



account. Such schemes falling within the scope of this policy will be considered against the above criteria as well as other policies of the Plan appropriate for the proposed use.

Outside the Primary Residential Areas and sites allocated under Proposal H16 for Carlisle, Brampton and Longtown, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be only be permitted provided that:

- 1 satisfactory housing conditions can be achieved; and
- 2 the proposal will complement the existing character of the area; and
- 3 the proposal will not adversely affect the amenity of the area; and
- 4 satisfactory access can be provided; and
- 5 appropriate parking arrangements can be made.

### **Carlisle District Local Plan 2001 - 2016**

#### **Local Environment - Policy LE29 - Land Affected By Contamination**

Development on land known or thought to be contaminated will be permitted provided that contaminant sources, pathways and human and environmental receptors are clearly identified in a risk assessment and measures taken to treat, contain and control contamination so as not to:

- 1 Expose the occupiers of a development and neighbouring land uses to unacceptable risk;
- 2 Cause the contamination of adjoining land or allow contamination to continue;
- 3 Lead to the contamination of any watercourse, water body or aquifer;
- 4 Have an unacceptable adverse effect on habitats and ecosystems;
- 5 Cause harm to buildings, animals or crops

The Policy will also apply to proposed development on or within 250 metres of an existing landfill or a site known to be used for landfill within the last 30 years.

### **Carlisle District Local Plan 2001 - 2016**

#### **Transport - Policy T1- Parking Guidelines For Development**

The level of car parking provision for development will be determined on the basis of the following factors:

- 1 the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;
- 2 the availability of public car parking in the vicinity;
- 3 the impact of parking provision on the environment of the surrounding area;
- 4 the likely impact on the surrounding road network; and
- 5 accessibility by and availability of, other forms of transport.

**Appn Ref No:**  
13/0182

**Applicant:**  
Mrs Fiona Dixon-Bell

**Parish:**  
Wetheral

**Date of Receipt:**  
06/03/2013

**Agent:**  
Antony Wright &  
Associates

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Longthwaite Farm Court, Warwick Bridge

**Grid Reference:**  
347967 556602

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Proposal: Erection Of Dwelling (Outline)

### Grant Permission

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of three years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:

- i) The expiration of five years from the date of the grant of this permission, or
- ii) The expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990. (as amended by The Planning and Compulsory Purchase Act 2004).

2. Before any work is commenced, details of the access, appearance, landscaping, layout, and scale of the site (hereinafter called "Reserved Matters") shall be submitted to and approved by the Local Planning Authority.

**Reason:** The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

3. The approved documents for this Outline Planning Permission comprise:
  1. the submitted planning application form received 20th May 2013;
  2. the Design and Access Statement received 25th March 2013;
  3. the Desk Top Contamination Report received 25th March 2013;
  4. the site location plan received 14th May 2013;
  5. the block plan received 24th April 2013;
  6. the Notice of Decision; and

7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

4. No development approved by this permission shall be commenced until a scheme for the provision of foul and surface waters have been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

**Reason:** To ensure a satisfactory means of surface water disposal and in accord with Policy CP12 of the Carlisle District Local Plan 2001-2016.

5. No development shall be commenced until samples or full details of materials to be used externally on the dwelling have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

**Reason:** To ensure that materials to be used are acceptable and in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. Before development commences, particulars of height and materials of all screen walls and boundary fences to be erected shall be submitted to and approved in writing by the Local Planning Authority and the development thereafter carried out in accordance therewith.

**Reason:** In the interests of privacy and visual amenity in accordance with Policy H2 of the Carlisle District Local Plan 2001-2016.

7. No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of the dwelling. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the new dwelling shall be submitted to and approved in writing by the Local Planning Authority before any

site works commence.

**Reason:** In order that the approved development overcomes any problems associated with the topography of the area in accordance with Policies H2 of the Carlisle District Local Plan 2001-2016.

9. There shall be no interference with the public's right of way over Public Footpath No.138022.

**Reason:** In order to prevent any obstruction to a public right of way in accord with Policy LC8 of the Carlisle District Local Plan 2001-2016.

10. No work associated with the construction of the residential unit hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy H2 of the Carlisle District Local Plan 2001-2016.

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

**Reason** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CP13 of the Carlisle District Local Plan 2001-2016.

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## Summary of Reasons for the Decision

The decision to grant planning permission has been taken having regard to the Development Plan, including Supplementary Planning Guidance/ Documents and Design Guidance. The relevant Development Plan policies and Supplementary Guidance have been considered in conjunction with comments received from consultees (including statutory consultees) together with other material planning considerations. On balance the proposal was regarded as acceptable and it was considered that the development does not cause demonstrable harm to interests of acknowledged importance that justifies withholding permission.

## **Relevant Development Plan Policies**

### **Carlisle District Local Plan 2001 - 2016 Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations**

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

|                       |  |  |
|-----------------------|--|--|
| Urban Area            | City of Carlisle   |  |
| Key Service Centres   | Brampton<br>Longtown   |  |
| Local Service Centres | Burgh by Sands<br>Castle Carrock<br>Cummersdale<br>Cumwhinton<br>Dalston<br>Gilsland<br>Great Corby<br>Great Orton<br>Hallbankgate<br>Hayton | Heads Nook<br>Houghton<br>Irthington<br>Raughton Head<br>Rockcliffe<br>Scotby<br>Smithfield<br>Thurstonfield<br>Warwick Bridge<br>Wetheral |

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

### **Carlisle District Local Plan 2001 - 2016** **Core Development Policies - Policy CP1 - Landscape Character**

Proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas. Development will be considered appropriate to the character of the landscape provided the proposal has regard to and conserves:

the landform and natural patterns of drainage;

- the pattern of trees and woodland;
- the habitats of species of importance for wildlife;
- the pattern and composition of field boundaries;
- the pattern of historic landscape features;
- the pattern and distribution of settlements

### **Carlisle District Local Plan 2001 - 2016** **Core Development Policies - Policy CP2 - Biodiversity**

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

### **Carlisle District Local Plan 2001 - 2016** **Core Development Policies - Policy CP3 - Trees And Hedges On Development Sites**

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- 1 the location of existing trees and hedges;
- 2 the species, age, height and crown spread of each tree;
- 3 an assessment of the condition of each tree;
- 4 the location and crown spread of trees on adjacent land which may be affected by the development;
- 5 existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

### **Carlisle District Local Plan 2001 - 2016** **Core Development Policies - Policy CP5 - Design**

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

### **Carlisle District Local Plan 2001 - 2016** **Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage And Sewage Treatment**

Development will not be permitted where inadequate foul and surface water

sewerage infrastructure and sewage treatment capacity exists, or where such provision can not be made within the time constraint of the planning permission.

## **Carlisle District Local Plan 2001 - 2016**

### **Housing - Policy H1 - Location Of New Housing Development**

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure that:

- 1 the site is well related to the landscape of the area and does not intrude into open countryside; and
- 2 the scale of the proposed development is well related to the scale, form and character of the existing settlement; and
- 3 the layout of the site and the design of the buildings is well related to existing property in the village; and
- 4 the siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
- 5 appropriate access and parking can be achieved; and
- 6 the proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
- 7 the proposal will not lead to the loss of the best and most versatile agricultural land.

Settlement boundaries have been drawn for the following Local Service Centres within which proposals will be judged against the above criteria.

|  |                |               |
|--|----------------|---------------|
| Burgh-by-Sands                                       | Castle Carrock | Cummersdale   |
| Cumwhinton   | Dalston        | Gilsland      |
| Great Corby  | Great Orton    | Hallbankgate  |
| Hayton   | Heads Nook     | Houghton      |
| Irthington   | Raughton Head  | Rockcliffe    |
| Scotby   | Smithfield     | Thurstonfield |
| Warwick Bridge (including Little Corby & Corby Hill) | Wetheral       |               |

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

|             |            |            |
|-------------|------------|------------|
| Blackwell   | Cardewlees | Cargo      |
| Carleton    | Cotehill   | Cumwhitton |
| Durdar      | Faugh      | Harker     |
| Hethersgill | How Mill   | Lanercost  |



Laversdale  
Moorhouse  
Walton

Low Row  
Talkin  
Warwick-on-Eden

Monkhill  
Todhills  
Wreay

## **Carlisle District Local Plan 2001 - 2016**

### **Transport - Policy T1- Parking Guidelines For Development**

The level of car parking provision for development will be determined on the basis of the following factors:

- 1 the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;
- 2 the availability of public car parking in the vicinity;
- 3 the impact of parking provision on the environment of the surrounding area;
- 4 the likely impact on the surrounding road network; and
- 5 accessibility by and availability of, other forms of transport.

## **Carlisle District Local Plan 2001 - 2016**

### **Leisure & Community Uses - Policy LC8 - Rights Of Way**

Carlisle City Council will seek to retain all existing footpaths, bridleways and other rights of way and to establish new routes wherever possible. New development will seek to maintain the existing rights of way network and where possible local improvements and extensions will be sought as part of new developments. Proposals to close or divert existing rights of way will not be permitted unless an alternative route is available which is attractive, serves the same area and is not significantly longer than the original route.

#### **Item no: 13**

**Appn Ref No:**  
12/0710

**Applicant:**  
Story Homes

**Parish:**  
Wetheral

**Date of Receipt:**  
16/08/2012 23:00:26

**Agent:**  
Story Homes

**Ward:**  
Wetheral

**Location:**  
Land to the Rear of Scotby Green Steading, Scotby,  
Carlisle

**Grid Reference:**  
344296 555136

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Proposal: Erection Of 45no. Dwellings, Associated Open Space And Infrastructure

Members resolved to give authority to the Director (Economic Development) to issue approval for the proposal subject to the completion of a Section 106 Agreement to secure:

1. the provision of the proposed level of affordable units (four units that would be made available by discounted sale, with the discount set at 30% below open market value, and three properties transferred to a registered provider to be available for capital affordable rent);
2. a financial contribution of £50,000 to be used by the Parish Council towards the provision of children's playing facilities and maintenance of sports pitches/equipped play within the village;
3. the maintenance of the informal open space within the site by the developer;
4. a financial contribution of £132,561 to Cumbria County Council towards education provision; and
5. a financial contribution of £1500 to be used by the City Council towards waste bin provision.

**Item no: 14**

**Appn Ref No:**  
13/0193

**Applicant:**  
Youngs Fish and Chips

**Parish:**  
Dalston

**Date of Receipt:**  
08/03/2013 23:00:07

**Agent:**  
Swarbrick Associates

**Ward:**  
Dalston

**Location:**  
8-9 The Square, Dalston, Carlisle, CA5 7PJ

**Grid Reference:**  
336908 550073

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Proposal: Change Of Use Of Part Ground Floor From Use Class A1 (Retail) To Use Class A5 (Hot Food Takeaway)

**Grant Permission**

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:

1. the Planning Application Form received 9th May 2013;
2. the Elevations, Sections & Location Plan As Existing received 11th March 2013 (Drawing no. 1515-p-02 Rev 0);
3. the Block & Locations Plans As Proposed received 11th March 2013 (Drawing no. 1515-p-05 Rev 0);

4. the Floor Plans As Existing received 11th March 2013 (Drawing no. 1515-p-01 Rev 0);
5. the Floor Plans As Proposed received 11th March 2013 (Drawing no. 1515-p-03 Rev 0);
6. the Elevations And Sections As Proposed received 11th March 2013 (Drawing no. 1515-p-04 Rev 0);
7. the Design And Access Statement received 9th May 2013
8. the Notice of Decision; and
9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The ground floor of the premises shall be used for a hot food takeaway and for no other purpose including any other purpose in Class A5 of the Schedule to the Town and County Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with the objectives of Policy EC10 of the Carlisle District Local Plan 2001-2016.

4. The proposed takeaway shall not be open for trading except between 1000 hours and 2200 hours on Monday to Saturdays and 1100 and 2200 hours on Sundays and Bank Holidays.

**Reason:** To prevent disturbance to nearby residential occupiers and in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

5. No mechanical extract system for the takeaway hereby approved shall be installed until full details including the design, velocity and external finish of the proposed system has been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details and shall not be altered unless otherwise approved in writing by the Local Planning Authority.

**Reason:** In order to safeguard the amenities of the neighbouring residents in accordance with Policy EC10 of the Carlisle District Local Plan 2001-2016.

6. Prior to the use of the building hereby approved, details of the means of level access shall be submitted to and approved in writing by the Local Planning Authority. The means of access shall be brought into use in accordance with the approved details and retained as such unless otherwise agreed in writing by

the Local Planning Authority.

**Reason:** To ensure that there is an appropriate level access to the building in accordance with Policy CP15 of the Carlisle District Local Plan 2001-2016.

7. No deliveries shall take place to the premises except between the hours of 0800 hours and 2000 hours unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the living conditions of the occupiers of the neighbouring premises are not adversely affected in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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### Summary of Reasons for the Decision

The decision to grant planning permission has been taken having regard to the Development Plan, including Supplementary Planning Guidance/ Documents and Design Guidance. The relevant Development Plan policies and Supplementary Guidance have been considered in conjunction with comments received from consultees (including statutory consultees) and any responses from third parties, together with other material planning considerations. On balance the proposal was regarded as acceptable and it was considered that the development does not cause demonstrable harm to interests of acknowledged importance that justifies withholding permission.

### Relevant Development Plan Policies

#### Carlisle District Local Plan 2001 - 2016

#### Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area                      City of Carlisle

Key Service Centres      Brampton  
   Longtown

|                       |                |            |
|-----------------------|----------------|------------|
| Local Service Centres | Burgh by Sands | Heads Nook |
|                       | Castle Carrock | Houghton   |
|                       | Cummersdale    | Irthington |

|              |                |
|--------------|----------------|
| Cumwhinton   | Raughton Head  |
| Dalston      | Rockcliffe     |
| Gilsland     | Scotby         |
| Great Corby  | Smithfield     |
| Great Orton  | Thurstonfield  |
| Hallbankgate | Warwick Bridge |
| Hayton       | Wetheral       |

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

### **Carlisle District Local Plan 2001 - 2016** **Core Development Policies - Policy CP2 - Biodiversity**

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

### **Carlisle District Local Plan 2001 - 2016** **Core Development Policies - Policy CP5 - Design**

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and

- respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

### **Carlisle District Local Plan 2001 - 2016**

#### **Core Development Policies - Policy CP6 - Residential Amenity**

The amenity of residential areas will be protected from inappropriate development where that development:

- 1 is for a use inappropriate for residential areas; and/or
- 2 is of an unacceptable scale; and/or
- 3 leads to an unacceptable increase in traffic or noise; and/or
- 4 is visually intrusive.

### **Carlisle District Local Plan 2001 - 2016**

#### **Core Development Policies - Policy CP15 - Access, Mobility And Inclusion**

Development proposals should make provision for easy, safe and inclusive access to, into and within buildings and facilities. The layout and design of developments should meet the requirements of accessibility and inclusion for all potential users regardless of disability, age or gender. The Council will have regard to the following criteria when assessing development proposals:

- 1 The design of entrances and exits and ease of permeation through and between developments in terms of street furniture, circulation areas and pedestrian routes;
- 2 The location of any development proposal in relation to its potential users;
- 3 Accessibility to all transport modes and provision of adequate parking for disabled people;
- 4 Provision of on-site facilities such as public toilets, and appropriate signage

**Carlisle District Local Plan 2001 - 2016**  
**Core Development Policies - Policy CP17 - Planning Out Crime**

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should be applied to all development proposals:

- 1 Security measures should be an integral part of the design
- 2 Developments should be laid out and buildings positioned to maximise natural surveillance with the intention of creating a sense of neighbourhood and deterring criminal and anti-social activity
- 3 Public and private spaces should have clearly defined boundaries.
- 4 Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
- 5 Landscaping schemes be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
- 6 Lighting should deter criminal and antisocial activity whilst minimising light pollution. CCTV may be considered necessary in certain circumstances.

Developers should, at the earliest stage possible, consult Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

**Carlisle District Local Plan 2001 - 2016**  
**Economic & Commercial Growth - Policy EC4 - Primary Retail Area**

Within the City Centre Shopping Area, proposals for the redevelopment, refurbishment or adaptation of existing shop premises will be permitted provided that:

- 1 proposals within the City Centre Conservation Area are complementary to enhance, or do not adversely affect the townscape of the area; and
- 2 traffic generated by proposals within the City Centre Conservation Area can be satisfactorily accommodated on the surrounding road network; and
- 3 elsewhere proposals will complement and reflect the surrounding townscape; and
- 4 where appropriate, opportunities for residential use and environmental improvements are linked to the scheme; and
- 5 satisfactory access for service vehicles can be provided, should the scale of the proposal require such provision.

**Carlisle District Local Plan 2001 - 2016**  
**Economic & Commercial Growth - Policy EC10 Food And Drink**

Within the Plan area, proposals for uses within Use Class A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaways) will be approved provided that:

- 1 The proposal does not involve unacceptable disturbance to occupiers of

- residential property; and
- 2 The proposal does not involve unacceptable intrusion into open countryside; and
  - 3 The proposal, whether new development or conversion complements surrounding development or the character of the existing building; and
  - 4 Appropriate access and parking can be provided; and
  - 5 Throughout the Plan area opening hours will be imposed having regard to the surrounding uses, the character of the area and the possibility of disturbance to residential areas.

Proposals for A3, A4 and A5 related uses should be situated in accessible locations, within or adjacent to existing centres in line with the sequential approach in PPS6 unless material considerations dictate otherwise.

### **Carlisle District Local Plan 2001 - 2016**

#### **Local Environment - Policy LE19 - Conservation Areas**

The City Council will continue to review existing and designate new conservation areas. Development proposals within and adjoining conservation areas will be granted planning permission provided they preserve or enhance their character and appearance. Any new development or alterations to existing buildings should harmonise with their surroundings and be in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or alterations to buildings in conservation areas will be judged against the following criteria:

- 1 the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact on the townscape or landscape;
- 2 the development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
- 3 development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
- 4 wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
- 5 individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
- 6 proposals which would generate a significant increase in traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
- 7 proposals which would require substantial car parking and servicing areas which



can not be provided without an adverse effect on the site and its surroundings will not be permitted.

**Carlisle District Local Plan 2001 - 2016**  
**Transport - Policy T1- Parking Guidelines For Development**

The level of car parking provision for development will be determined on the basis of the following factors:

- 1 the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;
- 2 the availability of public car parking in the vicinity;
- 3 the impact of parking provision on the environment of the surrounding area;
- 4 the likely impact on the surrounding road network; and
- 5 accessibility by and availability of, other forms of transport.

**Item no: 15**

**Appn Ref No:**  
13/0104

**Applicant:**  
Dreamsday Spa

**Parish:**  
Carlisle

**Date of Receipt:**  
12/02/2013

**Agent:**  
Taylor & Hardy

**Ward:**  
Belah

**Location:**  
238 Kingstown Road, Carlisle, Cumbria, CA3 0DE

**Grid Reference:**  
339556 559144

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Proposal: Change Of Use From Dwelling To Hairdressers (Ground Floor) And Offices/Common Room (First Floor) And Associated External Alterations

**Grant Permission**

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:
  1. the submitted planning application form;

2. the site/block plan received on the 21/05/13, drawing no. 12.23.01a (Existing Plans), 12.23.05b (Proposed Plans), 12.23.06 (Proposed Elevations), and 12.23.07 (Existing Elevations), and Plan of Rear of 246-248 Kingstown Road (showing 6 proposed parking spaces if required) received 21/05/13;
3. the Notice of Decision; and
4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The premises hereby permitted shall not commence trading before 09.00 hours or remain open for business after 17.00 hours on weekdays and on Saturdays; and shall not trade at any time on Sundays or statutory holidays.

**Reason:** To prevent disturbance: nearby occupants in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

4. Before the hereby permitted use commences the parking area shall be marked out and thereafter fully retained in accordance with the approved plan; and shall not be altered without the prior approval in writing of the Local Planning Authority.

**Reason:** To ensure adequate parking is available for each occupier in accord with Policy T1 of the Carlisle District Local Plan 2001-2016.

5. The extent of the salon space associated with the hairdressers hereby permitted shall be confined to the area(s) specified in drawing number 12.23.05b.

**Reason:** In order to ensure satisfactory parking provisions and safeguard the living conditions of neighbouring residents in accord with Policies CP6 and T1 of the Carlisle District Local Plan 2001-2016.

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## Summary of Reasons for the Decision

This application relates to a two storey detached house with a single storey extension located on the eastern side of Kingstown Road to the immediate north of the Coach and Horses PH and south of Dreamsday Spa (246/248 Kingstown Road) and a two storey house at 2A California Road. The application site is 12 metres to the south of the California Road junction with Kingstown Road and opposite the signalled Kingstown Broadway/Kingstown Road junction. Kingstown Broadway

provides access to Kingstown Industrial Estate and Kingmoor Park. Kingstown Road (A7), is a main distributor road linking the City centre to the M6 (Junction 44).

There are double yellow lines along Kingstown Road and at the junction with California Road as well as bollards along the Kingstown Road frontage of the Spa. There is a lay by that runs from 256/258 to 274 Kingstown Road subject to a 30 minute time restriction.

The garden associated with 238 Kingstown Road lies to the immediate north of the house and includes a hard-standing for a single car with dropped kerbing onto Kingstown Road. There is also a gated path that runs parallel with the boundary of the Coach and Horses PH.

There is a north bound bus stop on the opposite side of Kingstown Road, and a southbound bus stop outside 276 Kingstown Road. A signalised pedestrian crossing is opposite 256/258 Kingstown Road.

The current application seeks permission to convert the existing three bed house into a hairdressing salon on the ground floor with an office, staff room, meeting room, and storage area on the first floor. The floor area of the proposed salon is approximately 36 square metres. The submitted plans also show external alterations in the form of enlarging the ground floor windows facing Kingstown Road; insertion of new door and window on the northern elevation; and the replacement of a window by a door and vice versa on the southern elevation.

The accompanying application form indicates that the use as a house ceased in June 2011; the proposal would lead to 2 full time employees; the operating hours would be 09.00 - 17.00 hours on Monday to Saturday. The applicant's agent has also explained that the applicant also owns Dreamsdays Spa; the proposed first floor accommodation will be used in conjunction with the adjoining Dreamsdays Spa; the first floor accommodation will not generate any further activity or increase in staff at the Spa; the ground floor premises will not generate a need for further parking above that which already exists – the 6 dedicated spaces for Dreamsdays Spa would be sufficient for both properties; the hairdresser to be employed lives in California Road; and there could be potential benefits in that the existing parking associated with 238 Kingstown Road could conceivably not be used for that purpose. It is anticipated that the proposed hairdresser/barber's will provide a service for the adjoining Industrial Estate where clients could access the premises on foot.

On the basis of the foregoing, and with due regard to the comments of interested parties, the three main issues are considered to be: 1. the benefits of the proposal; 2. whether the proposed means of parking is appropriate; and 3. whether the proposal safeguards the living conditions of neighbouring residents in terms of privacy and amenity.

It is evident that the proposal would lead to the provision of two jobs, is in a sustainable location, and provides a use for a currently vacant building. This is in the context that the property is located adjacent to a junction with a heavily trafficked main road, has a limited curtilage with no private space, and the existing off-street parking provision serving the property is awkward.

Conversely, California Road continues to be the subject of on-going problems associated with congestion that interferes with the free flow of traffic. However, it is not readily apparent that the problems experienced with congestion and parking at California Road can be directly attributable to the Dreamsdays Spa. It is also the case that the ability to utilise the existing spare capacity in off-street parking provision would lead to compliance with the relevant parking guidelines.

In regard to the living conditions of the neighbouring residents, it is considered that the proposal should not further exacerbate harm to living conditions sufficient to merit the refusal of permission.

## **Relevant Development Plan Policies**

### **Carlisle District Local Plan 2001 - 2016 Housing - Policy H2 - Primary Residential Areas**

Within the Primary Residential Areas defined on the Inset Maps for Carlisle, Brampton and Longtown, proposals for new residential development will be acceptable provided that:

- 1 existing areas of open space and other amenity areas are safeguarded; and
- 2 the proposed development does not adversely affect the amenity of adjacent residential property; and
- 3 the proposed development complements or enhances existing adjacent residential areas and their amenity; and
- 4 satisfactory access and appropriate parking arrangements can be achieved.

Proposals for non-residential uses will be permitted in Primary Residential Areas provided that they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. The traffic impact of new development upon existing residents through inconvenience and detrimental effect will be taken into account. Such schemes falling within the scope of this policy will be considered against the above criteria as well as other policies of the Plan appropriate for the proposed use.

Outside the Primary Residential Areas and sites allocated under Proposal H16 for Carlisle, Brampton and Longtown, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be only be permitted provided that:

- 1 satisfactory housing conditions can be achieved; and
- 2 the proposal will complement the existing character of the area; and
- 3 the proposal will not adversely affect the amenity of the area; and
- 4 satisfactory access can be provided; and
- 5 appropriate parking arrangements can be made.

### **Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP6 - Residential Amenity**

The amenity of residential areas will be protected from inappropriate development where that development:

- 1 is for a use inappropriate for residential areas; and/or
- 2 is of an unacceptable scale; and/or
- 3 leads to an unacceptable increase in traffic or noise; and/or
- 4 is visually intrusive.

## **Carlisle District Local Plan 2001 - 2016**

### **Core Development Policies - Policy CP15 - Access, Mobility And Inclusion**

Development proposals should make provision for easy, safe and inclusive access to, into and within buildings and facilities. The layout and design of developments should meet the requirements of accessibility and inclusion for all potential users regardless of disability, age or gender. The Council will have regard to the following criteria when assessing development proposals:

- 1 The design of entrances and exits and ease of permeation through and between developments in terms of street furniture, circulation areas and pedestrian routes;
- 2 The location of any development proposal in relation to its potential users;
- 3 Accessibility to all transport modes and provision of adequate parking for disabled people;
- 4 Provision of on-site facilities such as public toilets, and appropriate signage

## **Carlisle District Local Plan 2001 - 2016**

### **Core Development Policies - Policy CP17 - Planning Out Crime**

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should be applied to all development proposals:

- 1 Security measures should be an integral part of the design
- 2 Developments should be laid out and buildings positioned to maximise natural surveillance with the intention of creating a sense of neighbourhood and deterring criminal and anti-social activity
- 3 Public and private spaces should have clearly defined boundaries.
- 4 Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
- 5 Landscaping schemes be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
- 6 Lighting should deter criminal and antisocial activity whilst minimising light pollution. CCTV may be considered necessary in certain circumstances.

Developers should, at the earliest stage possible, consult Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

**Carlisle District Local Plan 2001 - 2016**  
**Transport - Policy T1- Parking Guidelines For Development**

The level of car parking provision for development will be determined on the basis of the following factors:

- 1 the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;
- 2 the availability of public car parking in the vicinity;
- 3 the impact of parking provision on the environment of the surrounding area;
- 4 the likely impact on the surrounding road network; and
- 5 accessibility by and availability of, other forms of transport.

**Item no: 16**

**Appn Ref No:**  
13/0146

**Applicant:**  
Julie Graham

**Parish:**  
Kirklington Middle

**Date of Receipt:**  
21/02/2013

**Agent:**

**Ward:**  
Lyne

**Location:**  
5 Skitby Road, Smithfield, Kirklington, Carlisle,  
Cumbria, CA6 6AY

**Grid Reference:**  
344208 565430

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Proposal: Erection Of 1no. Dwelling Together With Formation Of New Access To 5  
Skitby Road

**Grant Permission**

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form received 20th May 2013;
2. the site location plan received 2nd May 2013;
3. the proposed floor plans and elevations received 2nd May 2013 (Drawing

- No. NH313/1);
4. the proposed parking plan received 20th May 2013;
  5. the proposed block plan received 2nd May 2013;
  6. the access statement received 21st February 2013;
  7. the contamination study received 19th March 2013;
  8. the proposed tree survey received 2nd May 2013;
  9. the Notice of Decision; and
  10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building have been submitted to and approved by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

**Reason:** To ensure that materials to be used are acceptable and in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence.

**Reason:** To ensure that materials to be used are acceptable and in compliance with the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling shall be submitted to and approved in writing by the local planning authority before any site works commence.

**Reason:** In the interests of preserving the privacy and amenity of the neighbouring residents and to ensure that the development respects the scale and character of buildings in the locality. In accordance with Policies CP5 and H1 of the Carlisle District Local Plan 2001-2016.

6. Before the development hereby permitted is completed and occupied a 2 metre high close boarded fence shall be erected along the western boundary of the site and a 1.2 metre high fence erected along the eastern boundary of the site

(as shown on the proposed parking plan received 20th May 2013) to the satisfaction of the local planning authority and shall be maintained at that height.

**Reason:** In order to protect the privacy and amenities of residents in close proximity of the site in accordance with Policies CP5 and H11 of the Carlisle District Local Plan 2001-2016.

7. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around those trees and hedges to be retained in accordance with a scheme that has been submitted to and agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site to the satisfaction of the Local Planning Authority.

**Reason:** In order to ensure that adequate protection is afforded to all trees and hedges to be retained on site in support of Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours or after 13.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

9. Notwithstanding the drainage details submitted no development approved by this permission shall be commenced until a full detailed scheme for the provision of foul and surface water drainage works has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

**Reason:** To ensure a satisfactory means of foul and surface water disposal and in accord with Policies CP10, CP11 and CP12 of the Carlisle District Local Plan 2001-2016.



10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CP13 of the Carlisle District Local Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted on the east elevation without the prior consent of the local planning authority.

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policy H14 of the Carlisle District Local Plan 2001-2016.

12. The whole of the vehicular access area bounded by the carriageway edge and the highway boundary shall be constructed and drained to the specification of the Local Highways Authority.

**Reason:** In the interests of road safety. To support Local Transport Plan Policies: LD5, LD7, LD8

13. The proposed dwelling shall not be occupied until the vehicular access and parking requirements have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use. To support Local Transport Plan Policies: LD5, LD7, LD8.

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## **Summary of Reasons for the Decision**

The decision to grant planning permission has been taken having regard to the Development Plan, including Supplementary Planning Guidance/ Documents and Design Guidance. The relevant Development Plan policies and Supplementary Guidance have been considered in conjunction with comments received from consultees (including statutory consultees) and any responses from third parties, together with other material planning considerations. On balance the proposal was regarded as acceptable and it was considered that the development does not cause demonstrable harm to interests of acknowledged importance that justifies withholding permission.

## **Relevant Development Plan Policies**

### **Carlisle District Local Plan 2001 - 2016**

#### **Core Development Policies - Policy CP2 - Biodiversity**

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

### **Carlisle District Local Plan 2001 - 2016**

#### **Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations**

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

|            |                  |
|------------|------------------|
| Urban Area | City of Carlisle |
|------------|------------------|

|                     |                      |
|---------------------|----------------------|
| Key Service Centres | Brampton<br>Longtown |
|---------------------|----------------------|

|                       |                |            |
|-----------------------|----------------|------------|
| Local Service Centres | Burgh by Sands | Heads Nook |
|-----------------------|----------------|------------|

|                |                |
|----------------|----------------|
| Castle Carrock | Houghton       |
| Cummersdale    | Irthington     |
| Cumwhinton     | Raughton Head  |
| Dalston        | Rockcliffe     |
| Gilsland       | Scotby         |
| Great Corby    | Smithfield     |
| Great Orton    | Thurstonfield  |
| Hallbankgate   | Warwick Bridge |
| Hayton         | Wetheral       |

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

#### Item no: 17

**Appn Ref No:**  
13/0159

**Applicant:**  
REG Windpower

**Parish:**  
Arthuret

**Date of Receipt:**  
25/02/2013 13:00:53

**Agent:**  
Turley Associates

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Hallburn Farm, Hallburn, Longtown, Carlisle, CA6  
5TW

**Grid Reference:**  
341308 567857

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Proposal: Variation Of Condition 1 Of Previously Approved Permission 09/1079 To  
Allow The Wind Monitoring Mast To Remain On Site Until 1st March 2014

## Grant Permission

1. The wind monitoring mast hereby permitted shall be removed and the land reinstated by not later than the 1st March of 2014.

**Reason:** The local planning authority wish to review the matter at the end of the limited period specified.

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## Summary of Reasons for the Decision

When assessing this application in the context of the previous permissions, the comments received from interested parties, the NPPF, the policies of the Development Plan, supplementary planning guidance ("Cumbria Wind Energy Supplementary Planning Document", July 2007), and the evidence base to inform the preparation of the forthcoming Local Plan ("Cumbria Renewable Energy Capacity and Deployment Study" August 2011) it is considered that there are three main issues, namely:

1. the potential contribution of the scheme towards the generation of renewable energy;
2. the impact of the proposed development on the landscape and visual character of the area; and
3. impact on the living conditions of neighbouring residents.

In relation to this proposal it is evident that the mast is a precursor to establish the viability and potential for a wind farm. As such the current application needs to be considered on its own merits with any scheme for the actual installation of wind turbines subject to separate consideration particularly in the current context of the pending appeal decision regarding application 11/0118.

The 2007 European Union Common Energy Policy includes a binding target of 20% of overall energy to be produced from renewable by 2020 and a 20-30% reduction in greenhouse gases. The Climate Change Act 2008 set a legally binding target to reduce greenhouse gas emissions by at least 80% by 2050 and reductions in CO2 emissions of some 26% by 2020 against a 1990 base. In 2009, EU Directive 2009/28/EC set out a requirement of 35% of electricity to be produced from renewable. This directive sets out the contribution from each member state with the UK set to produce 15% of all energy from renewable sources by 2020. The 2009 Renewable Energy Strategy highlights a need to radically increase our use renewable electricity and notes that the 15% binding target requires a seven fold increase in the share of renewable in less than a decade.

When determining planning applications, local planning authorities, should not require applicants for energy development to demonstrate the overall need for

renewable or low carbon energy and recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions (para.98 of the NPPF).

The application site comprises relatively large open fields of grassland set in a relatively flat agricultural landscape interspersed by woodland and sporadic development. When looking at the differences in landscape type, as opposed to its grading of natural beauty, the site falls within an area defined as Lowland Low Farmland in the Cumbria Landscape Character Assessment carried out for the County Council.

The Solway Firth AONB is approximately 7km to the south-west and the North Pennines AONB lies approximately 13km to the south-east of the application site.

The Cumbria Wind Energy Supplementary Planning Document states that the character of the immediate area (Lowland Low Farmland) is judged to have "moderate" capacity to accommodate turbine development that is defined as "a small group or, in exceptional circumstances a large group (which) could relate to the medium to large scale landform." A small group is 3-5 turbines. It is clear that a single monitoring mast is within the size limits suggested for this landscape type.

Although the mast has already been in place since 2009, it is limited in height and relatively slender with the period to be extended only until the 1st March 2014.

The nearest residential property that is most affected by the mast are the occupiers Birch Grove and Birch View at Hallburn Farm, who are the owners of the land where the mast is sited. Birch Grove being located approximately 670 metres to the north of the mast. The next nearest property affected is positioned approximately 700 metres to the south of the mast. In view of the distance that the mast is sited from these properties it is considered that it will not adversely affect the occupiers of these properties in terms of visual impact.

## Conclusion

In overall terms it is considered that the circumstances have not fundamentally altered. On the basis of the following, a temporary permission for the proposal is considered to be acceptable.

## Relevant Development Plan Policies

### Carlisle District Local Plan 2001 - 2016

#### Core Development Policies - Policy CP1 - Landscape Character

Proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas.

Development will be considered appropriate to the character of the landscape provided the proposal has regard to and conserves:

the landform and natural patterns of drainage;

- the pattern of trees and woodland;

- the habitats of species of importance for wildlife;
- the pattern and composition of field boundaries;
- the pattern of historic landscape features;
- the pattern and distribution of settlements

**Carlisle District Local Plan 2001 - 2016**  
**Core Development Policies - Policy CP2 - Biodiversity**

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

**Carlisle District Local Plan 2001 - 2016**  
**Core Development Policies - Policy CP4 - Agricultural Land**

Permission will not be given for development where it would lead to the loss of the best and most versatile agricultural land, unless:

- 1 there is an overriding need for the development; and
- 2 there is insufficient land of a lower grade available; or
- 3 available lower grade land has a statutory landscape, wildlife, historic or archaeological designation.

**Carlisle District Local Plan 2001 - 2016**  
**Core Development Policies - Policy CP6 - Residential Amenity**

The amenity of residential areas will be protected from inappropriate development where that development:

- 1 is for a use inappropriate for residential areas; and/or
- 2 is of an unacceptable scale; and/or
- 3 leads to an unacceptable increase in traffic or noise; and/or
- 4 is visually intrusive.

**Carlisle District Local Plan 2001 - 2016**  
**Core Development Policies - Policy CP8 - Renewable Energy**

Proposals for renewable energy will be favourably considered provided that all of the following criteria are satisfied:

- 1 there is no unacceptable visual impact on the immediate and wider landscape and townscape;
- 2 there is no adverse impact on biodiversity;
- 3 any new structures would be sensitively incorporated into the surrounding

- landscape/ townscape and/or habitat and respect the local landscape character;
- 4 measures are taken to mitigate any noise, smell or other nuisance or pollutants likely to affect nearby occupiers, amenities and/or neighbouring land uses;
- 5 any waste arising as a result of the development is minimised and dealt with using a suitable means of disposal;
- 6 there would be no unacceptable levels of harm to features designated as of local, national or international importance;
- 7 adequate provision can be made for access and parking and the potential impact on the road network;
- 8 there would be no unacceptable conflict with any existing recreational facilities or routes;
- 9 there would be no unacceptable cumulative effects when proposals are considered together with any extant planning approvals or other existing renewable energy developments.

**Carlisle District Local Plan 2001 - 2016**  
**Local Environment - Policy LE23 - MOD Safeguarding Zone**

Within the MOD Safeguarding Zone as shown on the Proposals Map, development proposals will be the subject of consultation with the MOD. Any proposals that impact upon MOD operations will require mitigation where possible to minimise that impact, or where this is not feasible, permission will be refused.

**Item no: 18**

|  |   |   |
|--|---|---|
| <b>Appn Ref No:</b><br>13/9001   | <b>Applicant:</b><br>Cumbria County Council | <b>Parish:</b><br>Carlisle              |
| <b>Date of Receipt:</b><br>25/01/2013  | <b>Agent:</b><br>Cumbria County Council     | <b>Ward:</b><br>Belah                   |
| <b>Location:</b><br>Kingmoor Infant and Junior Schools, Hether Drive/Liddle Close, Lowry Hill, Carlisle, CA3 0ES/CA3 0DU |   | <b>Grid Reference:</b><br>339200 558486 |

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Proposal: Extensions To Infant School To Provide 2no. Classrooms. Extensions To Junior School To Provide 2no. Classrooms, Learning Resources Area, 3no. Group Rooms, Staff Room, Ppa Rooms, Site Manager's Office And Associated Stores. Amendments To Extend Playground Areas. Provision Of Additional Car Parking Area.

**Decision:** City Council Observation - Observations **Date:** 08/02/2013

**Decision of:** Cumbria County Council

**Decision Type:** Withdrawn by Applicant/or by default **Date:** 23/04/2013

**Item no: 19**

**Appn Ref No:**  
13/9005

**Applicant:**  
Cumbria County Council

**Parish:**  
Carlisle

**Date of Receipt:**  
25/01/2013

**Agent:**

**Ward:**  
Botcherby

**Location:**  
Richard Rose Academy (Formerly N.Cumbria  
Technology College), Edgehill Road, Carlisle, CA1  
3SL

**Grid Reference:**  
342847 554280

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Proposal: Variation Of Conditions 1 And 4 Of Previously Approved Permission  
1/11/9002: To Extend Use Of Car Park Area Until January 2015 And  
Delay Restoration Until July 2015 (ref no: 1/13/9005)

**Decision:** City Council Observation - Raise No Objection **Date:** 05/02/2013

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission **Date:** 27/03/2013

**Item no: 20**

**Appn Ref No:**  
13/9006

**Applicant:**  
Cumbria County Council

**Parish:**  
Carlisle

**Date of Receipt:**  
25/01/2013

**Agent:**

**Ward:**  
Botcherby

**Location:**  
Richard Rose Academy (Formerly N.Cumbria  
Technology College), Edgehill Road, Carlisle, CA1  
3SL

**Grid Reference:**  
342847 554280

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Proposal: Variation Of Conditions 1 And 4 Of Previously Approved Permission  
1/11/9003: To Extend Use Of Car Park Area Until January 2015 And



Delay Restoration Until July 2015. (ref no: 1/13/9006)

**Decision:** City Council Observation - Raise No Objection    **Date:** 11/02/2013

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission    **Date:** 27/03/2013

**Item no: 21**

**Appn Ref No:**  
13/9007

**Applicant:**  
Cumbria County Council

**Parish:**  
Carlisle

**Date of Receipt:**  
25/01/2013

**Agent:**

**Ward:**  
Botcherby

**Location:**  
Richard Rose Academy (Formerly N.Cumbria  
Technology College), Edgehill Road, Carlisle, CA1  
3SL

**Grid Reference:**  
342847 554280

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Proposal: Variation Of Conditions 1 And 4 Of Previously Approved Permission  
1/11/9004: To Extend Use Of Floodlighting Until January 2015 And Delay  
Removal Until July 2015. (ref no: 1/13/9007)

**Decision:** City Council Observation - Raise No Objection    **Date:** 11/02/2013

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission    **Date:** 27/03/2013

**Item no: 22**

**Appn Ref No:**  
13/9010

**Applicant:**  
Cumbria County Council

**Parish:**  
Carlisle

**Date of Receipt:**  
11/03/2013

**Agent:**  
Cumbria County Council -  
Economy & Planning

**Ward:**  
Yewdale

**Location:**  
Yewdale Primary School, Yewdale Road, Carlisle,

**Grid Reference:**  
337051 555253

CA2 7SD

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Proposal: Extensions To Provide Additional Teaching Space, Meeting Room;  
Replacement Windows & Internal Alterations

**Decision:** City Council Observation - Raise Objection(s)      **Date:** 03/04/2013

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission      **Date:** 25/04/2013

**Item no: 23**

**Appn Ref No:**  
10/1102

**Applicant:**  
EDF Energy Renewables

**Parish:**  
Kirkandrews

**Date of Receipt:**  
09/12/2010

**Agent:**  
Eversheds LLP

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Beck Burn Peat Works, Springfield, Longtown,  
Cumbria CA6 5NH

**Grid Reference:**  
334466 568940

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Proposal: Erection Of 9No. 126 Metre High (To Tip) Wind Turbine Generators,  
Transformer Housings, Control Room, 80m High Meteorological Mast And  
Formation Of Associated Laydown Area, Crane Pads And Access Tracks;  
Associated Change Of Use To Mixed Use Comprising Operational Peat  
Works And Wind Farm

**Decision:** Refuse Permission      **Date:** 16/12/2011

**Decision of:** Planning Inspectorate

**Decision Type:** Appeal Dismissed      **Date:** 22/05/2013

**Item no: 24**

**Appn Ref No:**  
11/0118

**Applicant:**  
The Cornwall Light and  
Power Company Ltd

**Parish:**  
Arthuret

**Date of Receipt:**

**Agent:**

**Ward:**

14/02/2011

REG Windpower

Longtown & Rockcliffe

**Location:**

Land at Hallburn Farm, Hallburn, Longtown,  
Carlisle, Cumbria

**Grid Reference:**

341304 567849

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Proposal: Six Wind Turbines With A Tip Height Not Exceeding 126.5m, Access  
Tracks, Crane Hardstandings & Outrigger Pads, Control Building,  
Underground Electrical Cables And Temporary Construction Compound

**Decision:** Refuse    Permission

**Date:** 19/08/2011

**Decision of:** Planning Inspectorate

**Decision Type:** Appeal Dismissed

**Date:** 22/05/2013

**Item no: 25**

**Appn Ref No:**

12/0675

**Applicant:**

Mr Mark Dawson

**Parish:**

Cummersdale

**Date of Receipt:**

06/08/2012

**Agent:**

Mr Stuart Leslie

**Ward:**

Dalston

**Location:**

5 The Oval, Cummersdale, Carlisle, Cumbria, CA2  
6BL

**Grid Reference:**

338915 553131

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Proposal: Erection Of First Floor Rear Extension To Provide En-Suite Bedroom

**Decision:** Refuse    Permission

**Date:** 24/10/2012

**Decision of:** Planning Inspectorate

**Decision Type:** Appeal Allowed with Conditions

**Date:** 27/02/2013

**Item no: 26**

**Appn Ref No:**

12/0678

**Applicant:**

Mr Feddon

**Parish:**

Wetheral

**Date of Receipt:**

**Agent:**

**Ward:**

**Location:**

Land between Lomond and Gladsmuir, Broomfallen Road, Scotby

**Grid Reference:**

344285 553787

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Proposal: Erection Of 3No. Detached Dwellings

Members will recall at Committee meeting held on 28 September 2012 that authority was given to the Director (Economic Development) to issue approval subject to the completion of a S106 Agreement to secure a financial contribution from the applicant towards the provision of affordable housing. This has now been completed and approval was issued on 16 April 2013.

Granted Subject to Legal Agreement

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:

1. the Planning Application Form received 6th August 2012;
2. the Site Cross Section/ Block Plan/ Location Map received 6th August 2012 (Drawing no. 03-F-050812);
3. the Proposed Elevations & Floor Plans Unit 1 received 6th August 2012 (Drawing no. 01A-F-250612);
4. the Proposed Elevations & Floor Plans Unit 2 received 6th August 2012 (Drawing no. 01B-F-250612);
5. the Proposed Elevations & Floor Plans Unit 3 received 6th August 2012 (Drawing no. 02B-F-020712);
6. the Design and Access Statement received 6th August 2012;
7. the Desk Top Study 6th August 2012;
8. the Pre-development Arboricultural Report received 6th August 2012;
9. the Notice of Decision; and
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall then be undertaken in accordance with the approved details.

**Reason:** To ensure the materials are appropriate to the building and character of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. No development hereby approved by this permission shall commence until details of the biomass boiler and rainwater harvesting system have been submitted to and approved in writing by the Local Planning Authority. Such details shall include scale drawings illustrating the siting together with the size of the equipment. The development shall then be undertaken in accordance with the approved details.

**Reason:** For the avoidance of doubt and to ensure compliance with Policy CP9 of the Carlisle District Local Plan 2001-2016.

5. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the local planning authority before any site works commence. The development shall then be undertaken in accordance with the approved details.

**Reason:** In order that the approved development is appropriately located within the topography of the land in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. Prior to the commencement of development hereby approved by this permission a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the investigation and, where possible, the inclusion of SUDs and shall be constructed and completed in accordance with the approved plans prior to the occupation of any dwelling.

**Reason:** To ensure a satisfactory means of surface water disposal and in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

7. Prior to the commencement of development hereby approved, details of a landscaping scheme have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the

occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

9. Prior to the commencement of development, details of the design, construction and drainage of the carriageway, footways and footpaths shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include longitudinal/ cross sections, construction materials and thickness. No work shall be commenced until a full specification has been approved and any works so approved shall be constructed before the development is completed.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

10. Prior to the commencement of development, visibility splays providing clear visibility of 70 metres measured down the centre of the exit road and the nearside channel lines of the public road from a position of 2.4 metres inset from the carriageway edge, on the centre line of the access and at a height of 1.05 metres have been provided. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow so as to obstruct the visibility splays.

**Reason:** In the interests of highway safety and to support Local Transport Plan Policies LD7 and LD8.

11. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles, shall be submitted to and approved in writing by the Local Planning Authority. Construction of any dwelling shall not commence until any such details have been approved and the approved details constructed. The approved details shall be kept available for those purposes at all times and shall not be used for any other purpose thereafter without the prior written consent of the Local Planning Authority.

**Reason:** To ensure that all vehicles can be properly and safely accommodated clear of the highway and to support Local Transport Plan Policies LD7 and LD8.

12. No development hereby approved by this permission shall commence until details of the specification and location of root protection barriers have been submitted in writing to and approved by the local planning authority. The root protection barriers as agreed shall be erected prior to commencement of any works on site and no machinery or vehicles shall be parked within, or materials stored, dumped or spilled within that area. In the event of trenches or excavations exposing tree roots of 50mm/ 2 inches diameter or more, these should be carefully retained and protected by suitable measures including (where otherwise unavoidable) bridging trenches. No severance of tree roots 50mm/ 2 inches or more in diameter shall be undertaken without prior notification to, and the subsequent approval in writing of the Local Planning Authority and where such approval is given, the roots shall be cut back to a smooth surface.

**Reason:** To protect the trees on and adjacent the site in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

13. Prior to the commencement of development hereby approved, a Method Statement detailing the type of materials and construction methods to be used in the Root Protection Areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

**Reason:** To protect the trees on and adjacent the site in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

14. The development hereby approved shall be undertaken in accordance with the requirements and recommendations within the Pre-Development Arboricultural Method Report produced by Planning Branch Ltd and received on 6th August 2012.

**Reason:** To ensure that the existing trees on the site are adequately protected during development in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no extensions or alterations to the dwellings within the meaning of Schedule 2 Part (1) Classes A, B and C of these Orders, shall be carried out without the written permission of the Local Planning Authority.

**Reason:** To ensure that the living conditions of the occupiers of neighbouring properties are not adversely affected by inappropriate extensions in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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## **Summary of Reasons for the Decision**

The decision to grant planning permission has been taken having regard to the Development Plan, including Supplementary Planning Guidance/ Documents and Design Guidance. The relevant Development Plan policies and Supplementary Guidance have been considered in conjunction with comments received from consultees (including statutory consultees) and any responses from third parties, together with other material planning considerations. On balance the proposal was regarded as acceptable and it was considered that the development does not cause demonstrable harm to interests of acknowledged importance that justifies withholding permission.

## **Relevant Development Plan Policies**

### **Carlisle District Local Plan 2001 - 2016**

#### **Core Development Policies - Policy CP2 - Biodiversity**

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.